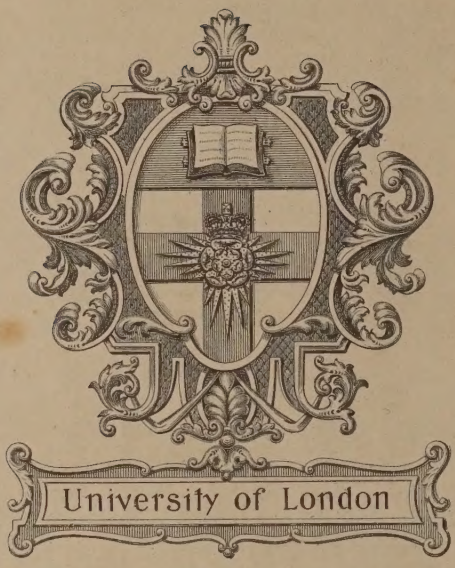
University of London

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B I L L S,

PUBLIC:

FOUR VOLUMES.

—(2.)—

DEBTORS AND CREDITORS

TO

JURIES (IRELAND) (No. 2.)

Session

3 *December* 1857 —— 2 *August* 1858.

VOL. II.

1857—58.

B I L L S:

1857—58.

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Mode of making an Assignment.

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An Insolvent may make an Assignment to the Registrar of the County Court.

IV. Any Person who makes an Assignment for the Benefit of Creditors may make such Assignment to the Registrar of the County Court of the District in which he resides, and who shall thereon appoint Two of the Insolvent's Creditors to act as Trade Assignees, of which he shall give them immediate Notice by Post, and who shall, on such Notification, proceed to carry out the Provisions of this Act, the same as if they had been originally Parties to the Assignment.

An Assignment being made, Insolvent to be given a Certificate as a Protection against Arrest, and to have an Allowance per Week.

V. Immediately on the Assignment being made, the Registrar of the Court shall grant a Certificate of the same to the Insolvent, which shall protect him from personal Arrest on account of any Judgment or Proceeding from any Court; and he shall also receive from the Registrar of the Court such Sum per Week for the Maintenance of himself and Family, for such Period as the Judge of the Court shall fix at the First Meeting provided for in this Act, to administer to the Estate and carry out the Assignment, such Sums as may be paid by the Registrar to be repaid him by the Trade Assignees from the first Funds they may realize from the Insolvent's Effects.

The making an Assignment to be a Bar to any Proceedings in Chancery or Bankruptcy.

VI. The making and Registration of the Assignment, as hereinbefore provided, shall be a Bar to any Proceeding either in the Court of Chancery or Bankruptcy against the Estate of the Insolvent.

Assignments to be made in a Book, and Copies to be sent to all the Registrars of the County Courts. Books to be open to the Public at certain Charges, to go to the

VII. The Registrar attesting such an Assignment is to have provided the Forms A. and B. bound up in a Book paged and indexed, to be preserved by him among the Records and Muniments of the County Court in his Charge; and he shall, within *Twenty-four* Hours of the Execution thereof, forward a Copy of the Assignment to the Registrars of the County Courts named in Schedule D., to be by them transcribed in a similar Book, such Book to be open on all Days save Sunday, from the Hours of *Ten* A.M. to *Four* P.M., for the Inspection of the Public, on Payment of *One Shilling* to the Registrar of the Court for each Inspection, and for any Extract therefrom the further

further Sum of *One Shilling* shall be paid him; and to provide Funds for procuring these Books and printed Forms *One Guinea* shall be paid by the Trade Assignees from the Fund they obtain from the Estate of the Insolvent, such Fees to be placed to the Credit of a Fund to be called the "Stationery Fund," the Account of the Income and Outlay of which shall be furnished in the Time and Manner herein-after provided for.

Fund to be commenced, to be called the Stationery Fund.

VIII. The Assignees herein-before named shall be the Trade Assignees for realizing the Effects of the Insolvent, and generally for working the Assignment according to the Provisions of this Act; but in case the Creditors of the Insolvent shall show in Writing (to be delivered by them to the Judge of the County Court) that a Majority of them in Amount of Debts due to them are dissatisfied with the Trade Assignees appointed either in Clause III. or this Clause, the Judge may remove them and appoint others approved of by the Majority of Creditors in Amount.

The Assignees to be designated the Trade Assignees.

IX. Immediately on the Execution of the Assignment by the Insolvent the Trade Assignees, if First Parties to the Deed, or the Registrars of the County Court, by themselves, or Persons appointed by them, shall at once take Possession of all the Effects, Real and Personal, of the Insolvent, with all the Books, Papers, and Documents belonging to him, and make out a complete Inventory of the same, with a List of all his Debtors and their Places of Abode, with the Sums they owe, which shall, within *Ten* Days, be given to the Registrar of the Court, and be by him transcribed into a Book, properly paged and indexed, and be signed by the said Registrar; the said Inventory to be signed by the Appraiser employed to value the Effects, the Trade Assignees, and the Registrar of the District to whom it is transmitted; such Inventory to be also verified by a Declaration to be made by the Appraiser and Trade Assignees according to Form C.; and he shall transmit, within *One Week* of receiving the same, a Copy of the Inventory to the Registrars of such County Courts as are named in Schedule C., to be by them filed by being copied in Books similar to the First herein described, such Books to be accessible to the Public on all Days, save Sunday, between the Hours of *Nine* A.M. and *Four* P.M., on Payment of *One Shilling* for each Inspection, and the further Sum of *One Shilling* for being allowed to take an Extract therefrom, and the Trade Assignees shall, on lodging such Inventory, pay to the Registrar the Sum of *One Guinea*, to be by him placed to the Credit of the Stationery Fund.

Trade Assignees to make out an Inventory, and give same to the Registrar within Ten Days. The Inventory to be copied into Books, and Access thereto to be had by the Public.

X. On the making of any Assignment the Registrar of the County Court in which it is made shall publish the same in the first published local

Circulars to be sent to Insolvent's

Creditors, and Assignment to be advertised.

local Newspaper and the *London Gazette* once in *Two* successive Weeks, and send a Circular containing a Copy of the Advertisement to all, as far as can be ascertained, of the Insolvent's Creditors, the Expense of such Circulars to be paid for out of the Estate.

Trade Assignees to produce a Balance Sheet, to be filed in the County Courts, and sent to Creditors.

XI. Within *Fourteen* Days of the Execution of the Assignment the Trade Assignees shall make out and produce a Balance Sheet Summary of the appraised Value of the Insolvent's Effects, with the total Amount of Book Debts appearing to be owing to him, and print and transmit the same to each of his Creditors, as far as can be ascertained, and also file a Copy of the same with the Registrar of the Court, to be transcribed by him into a Book, paged and indexed; and the Trade Assignees shall furnish as many printed Copies as will supply the various Registrars of the County Courts mentioned in Schedule D., to be by them transcribed into similar Books, to be accessible to the Public at the Times and for the Charges hereinbefore provided, the Cost of these to come out of the Estate.

Assignees may employ Appraisers and Accountants.

XII. That the Assignees may be enabled to make out such Inventories and List of Debts they may employ an Appraiser or Valuer and Accountant, whose Services shall be paid for out of the Effects realized, subject, nevertheless, to the Sanction of the Judge of the County Court.

Sale to be made by Auction within Twenty-eight Days.

XIII. That within *Twenty-eight* Days of the Date of the Assignment the Trade Assignees shall put up for Sale by Auction the Effects of the Insolvent, due Notice of which shall be given by Advertisement in the local Papers and by Handbills; but in case of a Sale not being effected of any Part of the Estate, the Judge of the Court may, on Representation thereof, order such other Course to be taken as will realize the full Market Value of the Property.

Lists of Debtors to be sent to Registrars of County Courts, and they to summon Debtors.

XIV. Immediately on the List of Debtors being made out and placed in the Hands of the Registrar of the District, he shall transmit a Copy of the same to the Registrars of the various County Courts in which the Debtors reside, and they are hereby required to write to the Debtors claiming the Amount of the Debt, and failing a satisfactory Arrangement, at once to issue Summonses in the usual Way; and the Insolvent is hereby required to attend the County Court, with his Books and whatever else may be required to prove the Debts in case the same are disputed, but the Registrars are hereby empowered to make Arrangements for the Payment of the Debts, by weekly Instalments or otherwise, after Judgment shall have been taken thereon; but in all Cases they must be heard in open Court, and

and a Judgment taken: all such Debts, when received, to be accounted for in manner herein-after to be provided for.

Judge to appoint Day for Examination of Insolvent and receive Proof of Debts.

XV. As soon after as possible the filing the Inventory of the Insolvent's Effects and Book Debts, the Judge of the County Court shall appoint a Day for the Examination of the Insolvent as to his Dealings and the Cause of his Insolvency; and the Assignees shall attend for Examination, if required, as to the Correctness of the Inventory; and at this Meeting Persons claiming to be Creditors of the Insolvent must attend with a Statement of their Account, beginning from the last clear Settlement, written out in full Details, setting forth what is for Cash, Goods, Bills, or other Debits and Credits, and at the same Time shall produce all Notes, Bills, Vouchers, or Securities relating thereto; Notice of such Meeting to be given for *Two* successive Weeks in the *London Gazette* and One of the local Papers, and a List of such Meetings, containing the Day, Hour, and Place of Meeting, with Cases to be heard, signed by the Judge, shall be suspended in some public Place in or near his Court House and in the Registrar's Office.

Trade Assignees may have professional Assistance.

XVI. The Trade Assignees may oppose such Claims from Creditors being admitted to become chargeable and entitled to Dividend, and may have professional Assistance to do so, the Expense of which, subject to the Consent of the Judge, may be charged to the Estate.

Registrars to make out a Statement of the Debts they have collected.

XVII. The District Registrars, who have Charge of summoning Debtors from the various Estates, shall every *Three* Months, on the *First of January, the First of April, the First of July, and the First of October*, make out and transmit to the various Trade Assignees of these Estates a full Account of what they have received of the Debts so in their Charge, and also keep Copies thereof in Books to be provided for the same, and shall remit the Amount then in their Hands to the Registrar of the County Court in which the Assignment is made.

Registrars to send Lists of what Debts they have received to Registrar where Assignment is made.

XVIII. Within *Seven* Days of the holding of the County Court, the District Registrars shall transmit to the Registrar of the County Court in which the Assignment is made a List of the Debts they have in charge to recover, with the Arrangement made for Payment, and other Remarks showing the Prospect of Recovery, and if the Person shall have removed, to give, if possible, the present Residence to the Trade Assignees.

Trade Assignees shall, within Six Weeks, produce an Ac-

XIX. Within *Six* Weeks from the Date of the Assignment the Trade Assignees shall lay before the open Court a Statement of what has been realized from the Sale of the Effects and Book Debts, and the

count of what they have received.

the Expense they have incurred, such Statement to be verified by a Declaration to be made by the Trade Assignees, according to Form C., and the Judge shall then examine and pass the same if to his Satisfaction, and, at the same Court, give a Second Opportunity to Creditors to prove their Debts; and on all Debts which have been proved at the First and Second Proof Meetings declare a Dividend on the Amount proved; and all Persons who do not apply to prove their Debts at these Meetings shall be debarred from making any Claim in future, either on the Estate or upon the Insolvent; provided always, that the same Notice shall be given of the Holding of such Second Meeting as is herein-before provided to be given of the First Meeting.

Trade Assignees at Expiration of Three Months after First Dividend to send to Registrar a Statement of what further Sums have been received.

XX. The Trade Assignees at the Termination of *Three* Months after the Payment of the First Dividend shall lay before the Judge of the County Court a Statement of what further Sums have been placed to the Credit of the Estate, and he shall order a Second Dividend to be declared, and so on every *Three* Months until the Proceeds have been as fully collected as possible.

County Court Judge on Affidavit of a Creditor to order Production of Books, Papers, and Documents.

XXI. Should any Creditor present an Affidavit to the Judge of the County Court praying for the Production of any Books, Papers, or Documents pertaining to the Affairs of the Insolvent, and for the Attendance of any Persons connected therewith, the Judge is hereby authorized and required to hold a Court for the Purpose, provided the Affidavit fully sets forth the Names of the Persons required, with the Books wanted, and the Subjects for Inquiry, and the Objects the Creditor has in view by asking for such Meeting; the Judge on Receipt of such an Affidavit shall and is empowered to issue his Summons to the Persons therein named for their Attendance, and also for the Production of the Books and Documents wanted, in whosoever Custody they may be; the Creditor making such Affidavit giving Security to the Judge for any Costs or Charges the Witnesses or Holder of the Books may be put to, to be allowed at the Discretion of the Judge.

The Registrar of the County Court to receive all Proceeds of Insolvent's Estate.

XXII. The Registrar of the County Court in each District shall be the Person to whom all Proceeds from the Insolvent's Estate shall be paid, and he shall name some Bank in each District to whom Trade Assignees are to pay such Proceeds, and on Payment thereto he shall be advised thereof by Post, setting forth the Sum and the Estate to whose Credit it is to be paid, signed by both the Trade Assignees, and such Bankers are to give them a Receipt for the same, which shall be binding upon the Registrar; and the Payment of all Dividends shall be by Cheques from the Registrar, whose Authority to give them shall be by Warrant from the County Court Judge.

XXIII. The

XXIII. The Registrar shall provide all the printed Forms for his District, and the Books ordered to be kept; and he shall from Time to Time receive all the Payments to the "Stationery Fund," of which he shall keep an Account, and from which he shall pay for the aforesaid Forms and Books, and for the Postage of the Forms provided to be sent to the various Registrars of the County Court. The Registrar to provide Books and Papers.

XXIV. The Registrars who are authorized and required to collect Debts due to Insolvent's Estates are hereby entitled to *Ten* per Cent. for their Trouble therein, which is to cover every Expense, save Court Fees, they may be at. Registrars to receive Ten per Cent. on what they collect.

XXV. The Judge of the County Court is authorized, in addition to an Allowance for Travelling Expenses to the Trade Assignees, to make a further Allowance *per Diem* to them for the Time they have to devote to realizing the Effects of the Insolvent's Estate. The Judge may allow Trade Assignees Expenses.

XXVI. Creditors not resident within the District where the Assignment is registered, or who may be unable personally to attend to prove his Debt at the County Court, may make Affidavit thereof, and of its Amount, before the Registrar of the Court of the District in which he resides, according to a Form to be provided by the Registrar, and which Affidavit, with any Bills, Notes, or Securities, shall be presented at the Meeting for the Receipt of Proofs. Creditors at a Distance, or unable to attend, may make Affidavits of Debt before the Registrar.

XXVII. In case of the Non-compliance with any of the Provisions of this Act by the Registrars or Trade Assignees, or others appointed to carry them out, the Judge of the County Court of the District in which the Assignment is made may summon the offending Party before him, and commit him to Prison for Contempt of Court for any Period not exceeding *Six* Weeks; and in like Manner may commit for Contempt any one not appearing in answer to a Summons, or refusing or evading to answer such Questions as the Judge may put or may sanction to be put to him at any of the Courts held for carrying out the Assignment, or for withholding any Books or Papers belonging to the Estate. Judge may commit for Contempt.

XXVIII. In case of any Person required by this Act to make a Declaration, making such a Declaration untruly or falsely, then the full Force of all Penalties against Perjury shall apply to him, and the Judge on Representation thereof may at once send the Case before the Magistrates of the District for Prosecution. Persons making false Declaration to be deemed guilty of Perjury.

SCHEDULE.

FORM (A.)

THIS witnesseth, That on the Day of in the County of hereby doth, in and by the Provisions of the Act Vict. Cap. , make over and assign all his Stock, Fixtures, Book Debts, and Effects to of in the County of and to of in the County of , for the Purpose of being equally divided amongst such Creditors as shall be allowed Proof of their respective Claims on the Estate of the said

As witness the Signature of the said Parties.

Insolvent.

Registrar of the County Court.

} Trade Assignees.

FORM (B.)

THIS witnesseth, That on the Day of in the Year One thousand eight hundred and , of in the County of hereby doth, in and by the Provisions of the Act Vict. Cap. , make over and assign all his Stock, Fixtures, Book Debts, and Effects to the Registrar of the County Court for the District of ,for the Purpose of being equally divided amongst such Creditors as shall be allowed Proof of their respective Claims.

As witness the Signatures of the said Parties.

Witness Insolvent.

I, Registrar of the County Court, hereby nominate and appoint and of the Town of and County of to be the Trade Assignees to the Estate above assigned, for the mutual Benefit of Creditors.

As witness my Hand this Day of 18

Registrar of the County Court
for the District of .

FORM

FORM (C.)

I of hereby solemnly declare that the [Inventory][1] I now produce of [the Effects][2] of the Estate of of in the County of is a true and faithful [Inventory][1] to the best of my Knowledge and Belief.

As witness my Hand this Day of 18

Registrar.

} Trade Assignees.

[1] Account. [2] of the Amount realized from.

SCHEDULE (D.)

Newcastle.	Lancaster.	Oldham.
Alnwick.	Liverpool.	Chester.
Durham.	Manchester.	Northampton.
Sunderland.	Preston.	Cambridge.
Birmingham.	Sheffield.	Cardiff.
Bradford.	Rochdale.	Exeter.
Darlington.	Huddersfield.	Bristol.
Carlisle.	Halifax.	London.
Whitehaven.	Leeds.	Norwich.
Leicester.	York.	Lincoln.
Worcester.	Stafford.	Ipswich.
Derby.	Hull.	Gloucester.
Appleby.	Blackburn.	Coventry.

Debtors and Creditors.

A

BILL

To authorize and carry into execution the voluntary Assignments of Debtors for the Benefit of their Creditors.

(Prepared and brought in by Mr. Headlam, Mr. Ridley, and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed,*
15 *July* 1858.

[Bill 214.]

Under 2 oz.

2 *July* 1858. 21 & 22 Vict.

A

BILL

TO

Amend the Law concerning detached Parts of Counties.

WHEREAS by an Act passed in the Session holden in the Second and Third Years of Her Majesty, Chapter Ninety-three, "for the Establishment of County and District Constables by the Authority of Justices of the Peace," it was enacted that for the Purposes of that Act all detached Parts of Counties should be considered as forming Part of that County by which they were surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which they had the longest common Boundary, and so much of every such detached Part of any County which was not of itself an entire Hundred, Wapentake, Ward, Rape, Lathe, or such other Division of a County, should be considered as forming Part of that Hundred, Ward, Wapentake, Rape, Lathe, or such other Division whereby it should be surrounded, in the County of which it should be considered a Part, for the Purposes of that Act, or if partly surrounded by Two or more Hundreds, Wapentakes, Wards, Rapes, Lathes, or such other Divisions, then as forming Part of that One with which it should have the longest common Boundary: And whereas

Preamble. 2 & 3 Vict. c. 93. s. 27.

3 & 4 Vict. c. 88. s. 2.

whereas by an Act passed in the Session holden in the Third and Fourth Years of Her Majesty, Chapter Eighty-eight, to amend the firstly herein recited Act, it was enacted, that it should be lawful for the Justices of any Two or more neighbouring Counties, in their several General or Quarter Sessions assembled, from Time to Time to agree that such Parts of their several Counties as to them should seem fit should for the Purposes of the firstly herein recited Act be considered as forming Part of any other of the said Counties; and whenever any such District should be so transferred for the Purposes of the said Act from one County to another, with the Consent of the Justices of both the last-mentioned Counties, such District should be considered for the Purposes of the said Act as if it were detached from the County to which it belonged, and wholly surrounded by the County to which it was so transferred:

7 & 8 Vict. c. 61.

And whereas by an Act passed in the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Sixty-one, it was enacted, that every Part of any County in England or Wales which was detached from the main Body of such County should be considered for all Purposes as forming Part of that County of which it was considered a Part for the Purposes of the Election of Members to serve in Parliament as Knights of the Shire, under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty, intituled "An Act to "settle and to describe the Divisions of Counties, and the Limits of "Cities and Boroughs, in England and Wales, in so far as respects the "Election of Members to serve in Parliament:" And whereas several Parts of Counties which before the passing of the said Act of the Seventh and Eighth Years of Her Majesty were detached from the main Bodies of such Counties are also detached from the main Bodies of the Counties of which under that Act they respectively form Parts, or may be conveniently united with other Counties: And whereas it is expedient to make such Provision as herein-after mentioned in relation to detached Parts of Counties: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

2 & 3 W. 4. c. 64.

Detached Parts of Counties may be transferred for the Purposes of the Constabulary.

I. It shall be lawful for the Justices of any Two or more neighbouring Counties, in their several General or Quarter Sessions assembled, notwithstanding the said Act of the Seventh and Eighth Years of Her Majesty, from Time to Time to agree that any detached Part of any County shall for the Purposes of the Acts relating to County and District Constables be considered as forming Part of the County by which the same is surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which

which such Part has the longest common Boundary; and whenever any Part of any County is so transferred, such Part shall be subject to the Provisions of the said Acts of the Second and Third Years and of the Third and Fourth Years of Her Majesty concerning detached Parts of Counties, as the same would have been if the said Act of the Seventh and Eighth Years of Her Majesty had not been passed.

Parts annexed to Counties under 7 & 8 Vict. c. 61. to be within 3 & 4 Vict. c. 88. s. 2.

II. The Provision herein-before recited of the said Act of the Third and Fourth Years of Her Majesty shall extend to any Part of a County which did not form Part of such County before the passing of the said Act of the Seventh and Eighth Years of Her Majesty, in like Manner as if the same had always formed Part of such County.

Power to contract for Care of Prisoners.

III. Where any Agreement is made as aforesaid in relation to any detached Part of a County, the Justices entering into such Agreement may, with the Approval of One of Her Majesty's Principal Secretaries of State also, agree for the Support and Maintenance in any Gaol or House of Correction belonging to the County to which such detached Part is assigned under such Agreement of any Prisoners committed thereto from such detached Part, and for the Payment, where the Occasion shall require, of all or any Part of the Expenses of Additions or Alterations of or to such Gaol or House of Correction which may be required by reason of the Commitment of such Prisoners thereto; and every Prisoner committed from such detached Part, who would or might otherwise be confined in the Gaol or House of Correction of the County to which such detached Part belongs, may be lawfully committed or removed to and confined in the Gaol or House of Correction receiving him under such Agreement; and all Prisoners so confined in such Gaol or House of Correction, whether before or after Trial, shall be subject in all Matters and Things to the same Rules and Regulations as if they were committed to such Gaol or House of Correction by any of the Justices having Jurisdiction over the same, and if committed before Trial shall be triable and tried in the same Manner as if their Offences had been committed in the County to which such Gaol or House of Correction belongs; and the Monies to be paid under such Agreement for the Support and Maintenance of such Prisoners, and other such Expenses as aforesaid, shall be raised in the same Manner as Monies for defraying the Expenses of any Gaol or House of Correction of the County to which such detached Part belongs, to which such Prisoners would or might have been committed if such Agreement had not been made.

Detached Parts of Counties.

A

BILL

To amend the Law concerning detached Parts of Counties.

(*Prepared and brought in by Mr. Secretary Walpole, Mr. Hardy, and Sir John Pakington.*)

Ordered, by The House of Commons, *to be Printed,* 2 *July* 1858.

[Bill 175.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to amend the Act of the Twentieth and Twenty-first Victoria, Chapter Eighty-five.

[Note.—*The Clause printed in Red Ink is proposed to be inserted in Committee.*]

WHEREAS in the last Session of Parliament an Act was passed, intituled "An Act to amend the Law relating "to Divorce and Matrimonial Causes in England:" And whereas it is expedient to amend the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be lawful for the Judge Ordinary of the Court for Divorce and Matrimonial Causes for the Time being to sit in Chambers for the Dispatch of such Part of the Business of the said Court as can in the Opinion of the said Judge Ordinary, with Advantage to the Suitors, be heard in Chambers; and such Sittings shall from Time to Time be appointed by the said Judge Ordinary. The Judge Ordinary of the Court for Divorce and Matrimonial Causes may sit in Chambers.

II. The Commissioners of Her Majesty's Treasury shall from Time to Time provide Chambers in which the said Judge Ordinary shall sit for the Despatch of such Business as aforesaid, and until such Chambers are provided the said Judge Ordinary shall sit in The Commissioners of the Treasury to provide Chambers.

in Chambers in any Room which he may find convenient for the Purpose.

The Judge sitting in Chambers to exercise the same Power as if sitting in open Court.

III. The said Judge Ordinary when so sitting in Chambers shall have and exercise the same Power and Jurisdiction in respect of the Business to be brought before him as if sitting in open Court.

The Registrars to do all Acts heretofore done by Surrogates.

IV. The Registrars of the Principal Registry of the Court of Probate shall be invested with and shall and may exercise with reference to Proceedings in the Court for Divorce and Matrimonial Causes the same Power and Authority which Surrogates of the Official Principal of the Court of Arches could or might before the passing of the Twentieth and Twenty-first Victoria, Chapter Seventy-seven, have exercised in Chambers with reference to Proceedings in that Court.

Persons abroad may institute Proceedings.

V. Any Person, wheresoever resident or domiciled, may present a Petition to the Court for Divorce and Matrimonial Causes praying that his or her Marriage may be dissolved under Section Twenty-seven of the Twentieth and Twenty-first Victoria, Chapter Eighty-five, who before the passing of the said Act might have obtained from any Ecclesiastical Court in England or Ireland or in India, or in any of Her Majesty's Colonies, a Divorce à mensâ et thoro for any of the Causes mentioned in the said Section, subject to such Rules as the Court may make respecting the giving of Proxies for authorizing the Presentation of any such Petition.

All Wives deserted by their Husbands may apply to the Judge for an Order to protect their Earnings.

VI. Every Wife deserted by her Husband, wheresoever resident in England, may, at any Time after such Desertion, apply to the said Judge Ordinary for an Order to protect any Money or Property in England she may have acquired or may acquire by her own lawful Industry, and any Property she may have become possessed of or may become possessed of after such Desertion, against her Husband and his Creditors, and any Person claiming under him; and the Judge Ordinary shall exercise in respect of every such Application all the Powers conferred upon the Court for Divorce and Matrimonial Causes under the Twentieth and Twenty-first Victoria, Chapter Eighty-five, Section Twenty-one.

Provisions respecting Property of Wife to extend to Property vested in her as Executrix, &c.

VII. The Provisions respecting the Property of a Wife who has obtained a Judicial Separation or an Order for Protection shall be deemed to extend to Property to which such Wife has become or shall become entitled as Executrix, Administratrix, or Trustee since the Sentence of Separation or the Commencement of the Desertion (as the Case may be); and the Death of the Testator or Intestate shall be deemed

deemed to be the Time when such Wife became entitled as Executrix or Administratrix.

Order for Protection of Earnings of Wife to be deemed valid.

VIII. In every Case in which a Wife shall under this Act or under the said Act of the Twentieth and Twenty-first Victoria, Chapter Eighty-five, have obtained an Order to protect her Earnings or Property, or a Decree for Judicial Separation, such Order or Decree shall, until reversed or discharged, so far as necessary for the Protection of any Person or Corporation who shall deal with the Wife, be deemed valid and effectual; and no Discharge, Variation, or Reversal of such Order or Decree shall prejudice or affect any Rights or Remedies which any Person would have had in case the same had not been so reversed, varied, or discharged in respect of any Debts, Contracts, or Acts of the Wife incurred, entered into, or done between the Times of the making such Order or Decree and of the Discharge, Variation, or Reversal thereof; and Property of or to which the Wife is possessed or entitled for an Estate in Remainder or Reversion at the Date of the Desertion or Decree (as the Case may be), shall be deemed to be included in the Protection given by the Order or Decree.

Order to state the Time at which the Desertion commenced.

IX. Every Order which shall be obtained by a Wife under the said Act of the Twentieth and Twenty-first Victoria, Chapter Eighty-five, or under this Act, for the Protection of her Earnings or Property, shall state the Time at which the Desertion in consequence whereof the Order is made commenced; and the Order shall, as regards all Persons dealing with such Wife in reliance thereon, be conclusive as to the Time when such Desertion commenced.

Persons who can administer Oaths under 20 & 21 Vict. c. 77. to administer Oaths under 20 & 21 Vict. c. 85.

X. Registrars, Surrogates, Commissioners for taking Oaths in the Court of Chancery, and all other Persons now or hereafter authorized to administer Oaths under the Act of the Twentieth and Twenty-first Victoria, Chapter Seventy-seven, or under this Act, shall have Power to administer Oaths under the Act of the Twentieth and Twenty-first Victoria, Chapter Eighty-five.

Bills of Proctors, Attornies, &c. to be subject to Taxation.

XI. The Bill of any Proctor, Attorney, or Solicitor, for any Fees, Charges, or Disbursements in respect of any Business transacted in the Court for Divorce and Matrimonial Causes, and whether the same was transacted before the full Court or before the Judge Ordinary, shall, as well between Proctor or Attorney or Solicitor and Client, as between Party and Party, be subject to Taxation by any One of the Registrars belonging to the Principal Registry of the Court of Probate, and the Mode in which any such Bill shall be referred for Taxation, and by whom the Costs of Taxation shall be paid, shall be regulated by the Rules and Orders to be made under the Act of the Twentieth and Twenty-first of Victoria, Chapter

Eighty-five, and the Certificate of the Registrar of the Amount at which such Bill is taxed shall be subject to Appeal to the Judge of the said Court.

Power to enforce Decree as to Costs.

XII. The Judge Ordinary of the Court for Divorce and Matrimonial Causes, and the Registrars of the Principal Registry of the Court of Probate, shall respectively, in any Case where an Ecclesiastical Court having Matrimonial Jurisdiction had, previously to the Commencement of the Act of the Twentieth and Twenty-first Victoria, Chapter Eighty-five, made any Order or Decree in respect of Costs, have the same Power of taxing such Costs, and enforcing Payment thereof, or of otherwise carrying such Order or Decree into effect, as if the Cause wherein such Decree was made had been originally commenced and prosecuted in the said Court for Divorce and Matrimonial Causes: Provided that in taxing any such Costs, or any other Costs incurred in Causes depending in any Ecclesiastical Court previously to the Commencement of the said recited Act, all Fees, Charges, and Expenses shall be allowed which might have been legally made, charged, and enforced according to the Practice of the Court of Arches.

Judge to exercise Power and Authority over Proctors, &c.

XIII. The Judge Ordinary of the Court for Divorce and Matrimonial Causes shall have and exercise, over Proctors, Solicitors, and Attornies practising in the said Court, the like Authority and Control as is now exercised by the Judges of any Court of Equity or of Common Law over Persons practising therein as Proctors, Solicitors, or Attornies.

Commissioners may be appointed in the Isle of Man, &c.

XIV. It shall be lawful for the Judge Ordinary of the Court for Divorce and Matrimonial Causes to appoint, by Commission under Seal of the Court, any Persons practising as Solicitors in the Isle of Man, in the Channel Islands, or any of them, to administer Oaths, and to take Declarations or Affirmations, to be used in the said Court; and such Persons shall be entitled from Time to Time to charge and take such Fees as any other Persons performing the same Duties in the Court for Divorce and Matrimonial Causes may charge and take.

Appeal in Cases of Nullity of Marriage to lie to the House of Lords.

XV. Whereas Doubts may be entertained whether the Right of Appeal given by the Act of the Twentieth and Twenty-first Victoria, Chapter Eighty-five, Section Fifty-six, extends to Sentences on Petitions for Nullity of Marriage: Be it enacted and declared, That either Party dissatisfied with any such Sentence may appeal therefrom in the same Manner, within the same Time, and subject to the same Regulations as affect Appeals against Sentences on Petitions for the Dissolution of Marriage.

Judge Ordinary may grant Rule

XVI. Where any Trial shall have been had by a Jury before the full Court or before the Judge Ordinary, or upon any Issue directed by the

the full Court or by the Judge Ordinary, it shall be lawful for the Judge Ordinary, subject to any Rules to be hereafter made, to grant a Rule Nisi for a new Trial, but no such Rule shall be made absolute except by the full Court. Nisi for new Trial, &c.

Repeal so much of 20 & 21 Vict. c. 85. as authorizes Application to be made to Judge of Assize for Restitution of Conjugal Rights.

XVII. So much of the Act of the Twentieth and Twenty-first Victoria, Chapter Eighty-five, as authorizes Application to be made for Restitution of Conjugal Rights or for Judicial Separation by Petition to any Judge of Assize, and as relates to the Proceedings on such Petition, shall be and the same is hereby repealed.

Affidavits, before whom to be sworn when Parties making them reside in Foreign Parts.

XVIII. In Cases where it is necessary to obtain Affidavits, Declarations, or Affirmations to be used in the Court for Divorce and Matrimonial Causes from Persons residing in Foreign Parts out of Her Majesty's Dominions, the same may be sworn, declared, or affirmed before the Persons empowered to administer Oaths under the Act of the Sixth of George the Fourth, Chapter Eighty-seven, or under the Act of the Eighteenth and Nineteenth of Victoria, Chapter Forty-two; provided that in Places where there are no such Persons as are mentioned in the said Acts such Affidavits, Declarations, or Affirmations may be made, declared, and affirmed before any Foreign local Magistrate or other Person having Authority to administer an Oath there.

Affidavits, before whom to be sworn.

XIX. Affidavits, Declarations, and Affirmations to be used in the Court for Divorce and Matrimonial Causes may be sworn and taken in Scotland, Ireland, the Isle of Man, the Channel Islands, or any Colony, Island, Plantation, or Place out of England under the Dominion of Her Majesty, before any Court, Judge, Notary Public, or Person lawfully authorized to administer Oaths in such Country, Colony, Island, Plantation, or Place respectively, or, so far as relates to the Isle of Man and the Channel Islands, before any Commissary, Ecclesiastical Judge, or Surrogate who at the Time of the passing of the Act of last Session, Chapter Seventy-seven, was authorized to administer Oaths in the Isle of Man or in the Channel Islands respectively; and all Registrars and other Officers of the Court for Divorce and Matrimonial Causes shall take judicial Notice of the Seal or Signature, as the Case may be, of any such Judge, Notary Public, or Person, which shall be attached, suspended, or subscribed to any such Affidavit, Declaration, or Affirmation, or to any other Document.

Persons forging Seal or Signature guilty of Felony.

XX. If any Person shall forge any such Seal or Signature as last aforesaid, or any Seal or Signature impressed, affixed, or subscribed under the Provisions of the said Act of the Sixth of George the Fourth, or of the said Act of the Eighteenth and Nineteenth of Victoria, to any Affidavit, Declaration, or Affirmation to be used in the Court

for Divorce and Matrimonial Causes, or shall tender in Evidence any such Document as aforesaid with a false or counterfeit Seal or Signature thereto, knowing the same to be false or counterfeit, he shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for the Term of his Life, or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years nor less than One Year; and whenever any such Document has been admitted in Evidence by virtue of this Act, the Court or the Person who has admitted the same may, at the Request of any Party against whom the same is so admitted in Evidence, direct that the same shall be impounded, and be kept in the Custody of some Officer of the Court or other proper Person, for such Period and subject to such Conditions as to the said Court or Person shall seem meet; and every Person charged with committing any Felony under this Act may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed, in the County, District, or Place in which he may be apprehended or be in Custody; and every Accessory before or after the Fact to any such Offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence laid and charged to have been committed, in any County, District, or Place in which the principal Offender may be tried.

Persons taking a false Oath before a Surrogate, guilty of Perjury.

XXI. Any Person who shall wilfully give false Evidence, or who shall wilfully swear, affirm, or declare falsely, in any Affidavit or Deposition made under the Authority of this Act before any Surrogate having Authority to administer Oaths under the Act of the Twentieth and Twenty-first Victoria, Chapter Seventy-seven, or before any Person who before the passing of the said Act was a Surrogate authorized to administer Oaths in any of the Channel Islands, or before any Person authorized to administer Oaths under this Act, shall be liable to the Penalties and Consequences of wilful and corrupt Perjury.

Compensation to Officers.

It shall be lawful for the Commissioners of the Treasury to grant to any Judges, Deputy Judges, Registrars, Deputy Registrars, and other Persons who previous to the Eleventh January last past held Office in Courts then exercising Jurisdiction in Matters and Causes Matrimonial, and who may have sustained any Loss of Emoluments by reason of the passing of the "Act to amend the Law relating to "Divorce and Matrimonial Causes in England," such Compensation as the said Commissioners may deem just and proper to be awarded, subject to the same Limitations and Provisions as are contained in the Clauses enabling them to grant Compensation under the "Act to "amend the Law relating to Probates and Letters of Administration "in England."

Divorce and Matrimonial Causes Act Amendment.

A

B I L L

INTITULED

An Act to amend the Act of the Twentieth and Twenty-first Victoria, Chapter Eighty-five.

(*Brought from the Lords* 24 *June* 1858.)

Ordered, by The House of Commons, *to be Printed,* 24 *June* 1858.

[Bill 159.]

Under 1 *oz.*

Divorce and Matrimonial Causes Act Amendment Bill.

LORDS REASON

FOR DISAGREEING TO

AN AMENDMENT MADE BY THE COMMONS

TO THE

DIVORCE AND MATRIMONIAL CAUSES ACT AMENDMENT BILL,

AND

AMENDMENTS MADE BY THE LORDS TO COMMONS AMENDMENTS.

The Lords disagree to the Amendment made by the Commons to leave out Clause 5., for the following Reason:

> Because, since the Fact of this Clause having been struck out by the Commons has become known, Proceedings have this Day been instituted in this House for the Purpose of bringing in a Divorce Bill next Year for a Case not provided for by the Act of last Session, and Parliament can only be relieved from the Necessity of entertaining that and similar Bills by enabling the Petitioners to go before the Court for Divorce and Matrimonial Causes.

The Lords propose to amend Clause (A.) added by the Commons as follows:

Line 4. Leave out from ("Operation") to the Third ("the") in Line 6., and in Line 6. leave out ("on") and insert ("in the Cause "in")

Line 7. After ("may") insert ("whenever from the Death of a "Witness or from any other Cause it may appear to the Court "reasonable and proper to")

Line 8. Leave out ("invoked and"), and in the same Line leave out ("and taken in support") and insert ("on the Hearing"), and also in the same Line leave out ("such"), and also in the same Line leave out ("so") and insert ("which may be")

Line 9. Leave out from ("Causes") to the End of the Clause.

The Lords propose to amend Clause (B.) added by the Commons by adding at the End thereof the Words following ("unless at the "Time of such Payment, Transfer, or other Act such Persons or "Corporations had Notice of the Discharge, Reversal, or Variation "of such Order or Decree, or of the Cessation or Discontinuance of "such Separation")

With the preceding Exceptions, the Lords agree to the Amendments of the Commons.

CLAUSES A.) and (B.) as proposed to be amended.

Evidence on which Divorce obtained prior to 20 & 21 Vict. c. 85. may be used in the Court for Divorce and Matrimonial Causes.

Clause (A.) In every Cause in which a Sentence of Divorce and Separation from Bed, Board, and mutual Cohabitation has been given by a competent Ecclesiastical Court, before the Act of the Twentieth and Twenty-first Victoria, Chapter Eighty-five, came into operation, ~~it shall be competent to the Parties to such Cause to present a Petition for the Dissolution of his or her Marriage to the Court for Divorce and Matrimonial Causes, under the Provisions of the said Act;~~ ~~and~~ the Evidence ~~on~~ *in the Cause in* which such Sentence was pronounced in such Ecclesiastical Court may, *whenever, from the Death of a Witness or from any other Cause, it may appear to the Court reasonable and proper to* be ~~invoked and~~ received ~~and taken in support~~ *on the Hearing* of any ~~such~~ Petition ~~so~~ *which may be* presented to the said Court for Divorce and Matrimonial Causes, ~~and have the same Force and Effect as if the same had been given before the said Court.~~

Indemnity to Corporations, &c. making Payments under Orders afterwards reversed.

Clause (B.) All Persons and Corporations who shall, in reliance on any such Order or Decree as aforesaid, make any Payment to, or permit any Transfer or Act to be made or done by, the Wife who has obtained the same, shall, notwithstanding such Order or Decree may then have been discharged, reversed, or varied, or the Separation of the Wife from her Husband may have ceased, or at some Time since the making of the Order or Decree been discontinued, be protected and indemnified in the same Way in all respects as if, at the Time of such Payment, Transfer, or other Act, such Order or Decree were valid and still subsisting, without Variation, in full Force and Effect, and the Separation of the Wife from her Husband had not ceased or been discontinued, *unless at the Time of such Payment, Transfer, or other Act such Persons or Corporations had Notice of the Discharge, Reversal, or Variation of such Order or Decree, or of the Cessation or Discontinuance of such Separation.*

Divorce and Matrimonial Causes Act Amendment Bill.

LORDS REASON

FOR DISAGREEING TO

AN AMENDMENT MADE BY THE COMMONS

TO THE

DIVORCE AND MATRIMONIAL CAUSES ACT AMENDMENT BILL.

AND

AMENDMENTS MADE BY THE LORDS TO COMMONS AMENDMENTS.

Ordered, by The House of Commons, *to be Printed*, 29 *July* 1858.

[Bill 246.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to Cheques or Drafts on Bankers.

WHEREAS it is expedient to amend the Law relating to Cheques or Drafts on Bankers: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Whenever a Cheque or Draft on any Banker, payable to Bearer, or to Order, on Demand, shall be issued, crossed with the Name of a Banker, or with Two transverse Lines with the Words "and Company" or any Abbreviation thereof, such Crossing shall be deemed a material Part of the Cheque or Draft, and shall not be obliterated or added to or altered by any Person whomsoever after the issuing thereof; and the Banker upon whom such Cheque or Draft shall be drawn shall not pay such Cheque or Draft to any other than the Banker with whose Name such Cheque or Draft shall be so crossed, or if the same be crossed as aforesaid without a Banker's Name, to any other than a Banker The Crossing to be deemed a material Part of a Cheque or Draft, &c.

Interpretation of the Word "Banker."

II. In the Construction of this Act the Word "Banker" shall include any Person or Persons, or Corporation, or Joint Stock Company, acting as a Banker or Bankers.

Drafts on Bankers Law Amendment.

A

B I L L

To amend the Law relating to Cheques or Drafts on Bankers.

(*Prepared and brought in by Mr. Attorney General and Mr. Hamilton.*)

Ordered, by The House of Commons, *to be Printed,* 1 *June* 1858.

[Bill 99.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to Cheques or Drafts on Bankers.

WHEREAS it is expedient to amend the Law relating to Cheques or Drafts on Bankers: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Whenever a Cheque or Draft on any Banker, payable to Bearer, or to Order, on Demand, shall be issued, crossed with the Name of a Banker, or with Two transverse Lines with the Words "and Company" or any Abbreviation thereof, such Crossing shall be deemed a material Part of the Cheque or Draft, and, except as hereafter mentioned, shall not be obliterated or added to or altered by any Person whomsoever after the issuing thereof; and the Banker upon whom such Cheque or Draft shall be drawn shall not pay such Cheque or Draft to any other than the Banker with whose Name such Cheque or Draft shall be so crossed, or if the same be crossed as aforesaid without a Banker's Name, to any other than a Banker. The Crossing to be deemed a material Part of a Cheque or Draft, &c.

II. Whenever

The lawful Holder of a Cheque uncrossed, or crossed "and Company," may cross the same with the Name of a Banker.

II. Whenever any such Cheque or Draft shall have been issued uncrossed, or crossed with the Words "and Company" or any Abbreviation thereof, and without the Name of any Banker, any lawful Holder of such Cheque or Draft, while the same remains so uncrossed, or crossed with the Words "and Company" or any Abbreviation thereof, without the Name of any Banker, may cross the same with the Name of a Banker; and such last-mentioned Crossing shall be deemed a material Part of the Cheque or Draft, and shall not be obliterated or added to or altered by any Person whomsoever after the making thereof; and the Banker upon whom such Cheque or Draft shall be drawn shall not pay such Cheque or Draft to any other than the Banker with whose Name such Cheque or Draft shall be so crossed as last aforesaid.

Interpretation of the Word "Banker."

III. In the Construction of this Act the Word "Banker" shall include any Person or Persons, or Corporation, or Joint Stock Company, acting as a Banker or Bankers.

Drafts on Bankers Law Amendment.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Law relating to Cheques or Drafts on Bankers.

(*Prepared and brought in by Mr. Attorney General and Mr. Hamilton.*)

Ordered, by The House of Commons, *to be Printed*, 11 *June* 1858.

[Bill 127.]

Under 1 oz.

22 *July* 1858. 21 & 22 Vict.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RECOMMITMENT]

TO

Amend the Law relating to Cheques or Drafts on Bankers.

Preamble.

WHEREAS it is expedient to amend the Law relating to Cheques or Drafts on Bankers: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Crossing to be deemed a material Part of a Cheque or Draft, &c.

I. Whenever a Cheque or Draft on any Banker, payable to Bearer, or to Order, on Demand, shall be issued, crossed with the Name of a Banker, or with Two transverse Lines with the Words "and Company" or any Abbreviation thereof, such Crossing shall be deemed a material Part of the Cheque or Draft, and, except as hereafter mentioned, shall not be obliterated or added to or altered by any Person whomsoever after the issuing thereof; and the Banker upon whom such Cheque or Draft shall be drawn shall not pay such Cheque or Draft to any other than the Banker with whose Name such Cheque or Draft shall be so crossed, or if the same be crossed as aforesaid without a Banker's Name, to any other than a Banker.

II. When-

The lawful Holder of a Cheque uncrossed, or crossed "and Company," may cross the same with the Name of a Banker.

II. Whenever any such Cheque or Draft shall have been issued uncrossed, or shall be crossed with the Words "and Company" or any Abbreviation thereof, and without the Name of any Banker, any lawful Holder of such Cheque or Draft, while the same remains so uncrossed, or crossed with the Words "and Company" or any Abbreviation thereof, without the Name of any Banker, may cross the same with the Name of a Banker; and whenever any such Cheque or Draft shall be uncrossed, any such lawful Holder may cross the same with the Words "and Company" or any Abbreviation thereof, with or without the Name of a Banker; and any such Crossing as in this Section mentioned shall be deemed a material Part of the Cheque or Draft, and shall not be obliterated or added to or altered by any Person whomsoever after the making thereof; and the Banker upon whom such Cheque or Draft shall be drawn shall not pay such Cheque or Draft to any other than the Banker with whose Name such Cheque or Draft shall be so crossed as last aforesaid.

CLAUSE A. Persons obliterating, &c., Crossing with Intent to defraud, guilty of Felony.

III. If any Person shall obliterate, add to, or alter any such Crossing with Intent to defraud, or offer, utter, dispose of, or put off with Intent to defraud, any Cheque or Draft on a Banker, whereon such fraudulent Obliteration, Addition, or Alteration has been made, knowing it to have been so made, such Person shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or to such other Punishment as is enacted and provided for those guilty of Forgery of Bills of Exchange in the Statute in that Case made and provided.

CLAUSE B. Banker not to be responsible for paying a Cheque which does not plainly appear to have been crossed or altered.

IV. Provided always, That any Banker paying a Cheque or Draft which does not at the Time when it is presented for Payment plainly appear to be or to have been crossed as aforesaid, or to have been obliterated, added to, or altered as aforesaid, shall not be in any way responsible or incur any Liability, nor shall such Payment be questioned by reason of such Cheque having been so crossed as aforesaid, or having been so obliterated, added to, or altered as aforesaid, and of his having paid the same to a Person other than a Banker, or other than the Banker with whose Name such Cheque or Draft shall have been so crossed, unless such Banker shall have acted malâ fide, or been guilty of Negligence in so paying such Cheque.

Interpretation of the Word "Banker."

V. In the Construction of this Act the Word "Banker" shall include any Person or Persons, or Corporation, or Joint Stock Company, acting as a Banker or Bankers.

Drafts on Bankers Law Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RECOMMITMENT]

To amend the Law relating to Cheques or Drafts on Bankers.

(Prepared and brought in by Mr. Attorney General and Mr. Hamilton.)

Ordered, by The House of Commons, *to be Printed,* 22 *July* 1858.

[Bill 231.]

Under 1 *oz.*

A

BILL

TO

Amend the Provisions of an Act of the Sixth Year of King William the Fourth, for separating the Palatine Jurisdiction of the County Palatine of Durham from the Bishoprick of Durham; and to make further Provision with respect to the Jura Regalia of the said County.

WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Nineteen, it was by the First Section enacted, that from and after the Commencement of that Act the Bishop of Durham for the Time being should have and exercise Episcopal and Ecclesiastical Jurisdiction only, and that from and after the Commencement of that Act the Palatine Jurisdiction, Power, and Authority theretofore vested in and belonging to the Bishop of Durham should be separated from the Bishoprick of Durham, and should be transferred to and vested in His Majesty, His Heirs and Successors, as a Franchise and Royalty separate from the Crown, and should be exercised and enjoyed by His Majesty, His Heirs and Successors, as a separate Franchise and Royalty, in as large and ample a Manner in all respects as the same had been theretofore exercised and enjoyed by the Bishop of Durham, and that all Forfeitures of Lands or Goods for Treason or otherwise, and all Mines of Gold and Silver, Treasure Trove, Deodands, Escheats, Fines and Amerciaments, and all Jura Regalia, Preamble.

Regalia, of what Nature or Kind soever, which if that Act had not been passed would or might belong to the Bishop of Durham for the Time being in right of the County Palatine of Durham, should be vested in His Majesty and His Successors in right of the same; and it was by the said Act provided, that nothing therein-before contained should prejudice or affect the Jurisdiction of any of the Courts of the said County Palatine, or any Appointment theretofore made to any Office in the said County Palatine, or any Act whatsoever theretofore done by the Bishop of Durham in right of the said County Palatine; and by the Ninth Section of the same Act it was provided, that nothing therein-before contained should have the Effect of severing or of separating from the said Bishoprick, or of affecting the Rights and Powers of the said Bishop in, over, upon, and with respect to any Lordships, Manors, Houses, Lands, Tenements, Tithes, Rents, Collieries, Mines, Minerals, Rectories, Advowsons, Profits, or Emoluments, of any Kind or Description whatsoever, whether held in right of the said Bishoprick, or in right of the said County Palatine, or otherwise howsoever, other than and except only any Profits and Emoluments therein-before expressly mentioned and directed to be severed therefrom: And whereas by virtue of an Act passed in the Session of the Third and Fourth Years of the Reign of Her present Majesty, intituled "An Act to carry into effect, with certain Modifica-" tions, the Fourth Report of the Commissioners of Ecclesiastical " Duties and Revenues," and of a Scheme of the Ecclesiastical Commissioners, and an Order of Her Majesty in Council dated the Fourth Day of April One thousand eight hundred and fifty-six, and published in the London Gazette on the Twenty-second Day of the same Month, ratifying the said Scheme, with the Consent of the Right Reverend Edward then Bishop of Durham, testified by his Hand and Episcopal Seal being affixed to the said Scheme, all the Manors, Lands, Tithes, Tenements, and Hereditaments which then belonged, either in possession or reversion, to the said Bishop in right of his Bishoprick (except Rights of Patronage, the Episcopal Residence at Bishops Auckland, with the Grounds thereto belonging, and certain other Lands specified in the Schedule to the said Scheme, and Sums of Money and Cash), and all the Estate and Interest therein of the said Bishop, are transferred to and become vested in the said Ecclesiastical Commissioners and their Successors, for the Purposes of the last-mentioned Act, and other Acts referred to in the said Scheme, as from the First of October then last: And whereas amongst the Jura Regalia claimed by the Bishop of Durham previously to and at the Time of the passing of the said Act was the Right to the Bed of the Sea adjacent to the said County of Durham, and to the Shore of the Sea between High-water Mark and Low-water Mark, and to the Beds and Shores of navigable Rivers so far as the Tide flows and reflows

reflows therein, within the said County: And whereas doubts are entertained with respect to the said Claim, and with respect to the Construction of the said Act how far such Right is or has thereby become vested in Her Majesty: And whereas Doubts have also arisen how far some Portions of the said Seashore and of the said Beds and Shores of the said navigable Rivers do or do not belong to the See of Durham, as Parcel of some or One of the Manors, Seigniories, or Possessions appertaining thereto: And whereas for putting an end to all Controversy and Question with respect to the several Matters aforesaid, by a Memorandum of Agreement dated the Eleventh Day of June One thousand eight hundred and fifty-seven, made between the Honourable Charles Alexander Gore, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues, on behalf of the Queen's most Excellent Majesty, of the one Part, and the Ecclesiastical Commissioners for England of the other Part, after reciting as is by this Act recited, and that it was desirable that the Doubts which had arisen as herein-before recited should be removed, it was, with the Approval of the Commissioners of Her Majesty's Treasury and of Her Majesty's Law Officers, agreed, that, subject to the Sanction of Parliament being obtained, the following Arrangement should be made concerning the Premises; that is to say, First, that, subject as therein-after mentioned, it should be considered or enacted that all the Estate and Interest of the Bishop in right of the See and County Palatine of Durham, or in right of any Manor, Parcel of that See, and also any Estate and Interest of Her Majesty the Queen in right of the said County Palatine, and whether by virtue of the recited Act of the Sixth and Seventh Years of King William the Fourth, Chapter Nineteen, or irrespectively of the said Act, in the Shores of the German Ocean, and of navigable Rivers below High-water Mark within the County of Durham, was by the last-mentioned Act or otherwise shall become vested in Her Majesty in right of Her Crown, and that it should be provided that the same should be held by Her Majesty as Part of the Hereditary Possessions of the Crown; Second, that such Declaration should not extend to such Lands recovered from the Flow of the Tide before the passing of the said Act of the Sixth and Seventh Years of William the Fourth as the Bishop had previously to that Act in fact received Rent from as reclaimed Land (which Land was to continue Parcel of the See of Durham); Third, that existing Leases by the Bishop of Parts of the Shores in question, not being such reclaimed Land as aforesaid, should be confirmed, but that the Rents reserved by them, or a fair Proportion of such Rents, if other Property was comprised in the same Lease, should in future be paid to the Crown; Fourth, that all Purchase Monies and Rents received on behalf of the Crown for Foreshore in any Part of the County should, after Payment of

Expenses, be divided into Halves, and that one Moiety should be paid to the Ecclesiastical Commissioners, and the other Moiety be retained on behalf of Her Majesty; Fifth, that any Monies deposited in the Court of Chancery for Land taken since the Fifth Day of July One thousand eight hundred and thirty-six, being then Foreshore, and not previously reclaimed, for which Rent had been received by the Bishop, should in like Manner be divided equally between the Crown and the Ecclesiastical Commissioners, and that all Sales and Transactions in respect of which such Monies have been deposited should be confirmed; Sixth, the Definition of the County to be the same as in the Act of King William the Fourth, except that Holy Island was not to be included in the Arrangement; Seventh, a Schedule to be made out of the Premises coming within the Scope of the Third Article: And whereas it is expedient that the Arrangement referred to in the recited Memorandum of Agreement be carried into effect, subject to such Variations as are made by this Act, and that such further Provisions should be made as are herein-after contained; and Her Majesty has been graciously pleased to assent thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Definition of the County of Durham to be the same as in Act 6 & 7 W. 4. c. 19.

I. That in this Act the Words "the County of Durham" shall have the same Interpretation and Meaning as in the said recited Act.

The Interest of the Bishoprick of Durham in the Foreshores of that County vested in Her Majesty.

II. All the Estate, Right, Title, and Interest whatsoever of or to which the Bishop of Durham was at the Time of the passing of the first-recited Act, or of or to which the said Bishop or the Ecclesiastical Commissioners for England now is or are seised or entitled, either in right or as Part or Parcel of the County Palatine or See of Durham, or of any Lordship, Manor, or Seigniory forming Part of the Possessions of such See or County Palatine, and also any Estate, Right, Title, and Interest of or to which Her Majesty the Queen is seised or entitled, in right of the said County Palatine, in and to the Soil and Freehold of the Beds and Shores of navigable Rivers so far as the Tide flows and reflows, and the Bed and Shores of the Sea below High-water Mark, and also (except as herein-after provided) in and to any Inclosures, Embankments, or Encroachments made therefrom or thereupon respectively, within or adjacent to the County of Durham, and also in and to any Stocks, Funds, and Securities or Monies standing in the Name of the Accountant General of the Court of Chancery, representing the Purchase Money or Value of any Part of the Beds and Shores aforesaid, (subject, as regards the said Stocks, Funds,

Funds, Securities, and Monies, to any Dispositions of the Interest of the See of Durham therein heretofore lawfully made by the Bishop of Durham for the Time being,) is and are by this Act transferred to and vested or declared to be vested in the Queen's most Excellent Majesty, Her Heirs and Successors, as Part of the Hereditary Possessions and Land Revenues of the Crown, and to be within the ordering and Survey of Her Majesty's Court of Exchequer at Westminster, anything in the said first-recited Act notwithstanding, subject nevertheless to any Leases now affecting the same Premises or any Part thereof: Provided nevertheless, that nothing in this Act contained shall extend to the Island called "Holy Island," situate in that Part of the County Palatine of Durham called "Islandshire," neither shall anything herein contained extend to transfer to or vest in Her Majesty the Right or Title of the Bishop of Durham or of the Ecclesiastical Commissioners in or to any Land reclaimed from the Flow of the Tide in any navigable River or upon the Shore of the Sea within the County of Durham, from which the said Bishop had previously to the passing of the first-recited Act actually received Rent from after the same had been so reclaimed, but all such Lands shall be deemed to have been and to be Parcel of the Possessions late belonging to the See of Durham, and now vested in the said Ecclesiastical Commissioners for England.

Certain Leases by the Bishop confirmed, but Rents received under some of them to be apportioned.

III. All Leases granted by the Bishop of Durham for the Time being of any Part or Parts of the Bed or Shores of any navigable River so far as the Tide flows, or of the Bed or Shores of the Sea, and of any Inclosures, Embankments, or Encroachments made therefrom or thereupon respectively, within or adjacent to the County of Durham, and all Leases of any Rights, of whatsoever Description, upon or over the Beds or Shores of any such navigable River, or of the Sea within or adjacent to the same County, are by this Act confirmed, and all Rents and Profits of such reclaimed Land as aforesaid as is reserved to the said Ecclesiastical Commissioners by the Proviso to the Second Section of this Act shall continue to be received by the said Ecclesiastical Commissioners, and all other Rents and Profits which shall accrue due under any such Lease or Leases shall be paid to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, on behalf of the Queen's Majesty, Her Heirs and Successors, subject to the Provisions herein-after contained; and when any Lease shall comprise other Property in addition to that in respect of which the Rents and Profits are by this Act directed to be paid to Her Majesty, and One or more Rent or Rents is or are reserved in respect of the entire Premises demised, such Rent or Rents shall during the Subsistence of such Lease continue to be received by the said Ecclesiastical Commissioners, anything in this Act contained notwith-

notwithstanding; but an Apportionment shall be made of such Rent or Rents, either by some competent Surveyor, to be agreed upon and appointed by the Commissioners of Woods, Forests, and Land Revenues, or one of them, on behalf of Her Majesty, and by the Ecclesiastical Commissioners, or by Two Surveyors (one to be nominated by each Party), and an Umpire to be named by such Two Surveyors, or by the major Part in Number of such Two Surveyors and Umpire; and every such Apportionment shall be conclusive, and the Proportion of the Rents and Profits which shall be apportioned to Her Majesty shall thenceforth during the Continuance of the Lease be paid by the said Ecclesiastical Commissioners to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty, Her Heirs and Successors, subject nevertheless as herein-after mentioned; but the Apportionment of Rent herein-before directed shall in no Manner affect or prejudice any Lessee under any such Lease, nor affect or prejudice any Covenant, Proviso of Re-entry, or any other Proviso or Condition therein; and the said Ecclesiastical Commissioners shall during the Continuance of any such Lease have all such Powers of recovering the Rent, and of compelling the Performance of the Covenants, and Right of Re-entry, in all respects as if they were entitled to the Reversion of all the Hereditaments comprised in the Lease; but on any Determination of any Lease, including any Part of Property belonging to Her Majesty, the same shall in all respects vest in Her Majesty as by this Act is provided; and in lieu of the Schedule by the said recited Agreement directed to be made, the Counterparts of all Leases of any Hereditaments, the whole Rents arising in respect whereof are by this Act directed to be paid to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, shall immediately after the *passing of this Act* be delivered up to the same Commissioners, and Copies of the Counterparts of all Leases of any Hereditaments a Portion of the Rents and Profits accruing in respect whereof are directed to be paid to the said last-named Commissioners shall immediately after the *passing of this Act* be made in the Office of the Ecclesiastical Commissioners for England, and such Counterparts and such Copies shall be inrolled in the Office of Land Revenue Records and Inrolments, and the Inrolment thereof shall be admissible as Evidence of the said Leases respectively.

Rents and Proceeds from the Foreshores of Durham to be divided equally between the Crown and the Eccle-

IV. All Rents and Profits and other Monies which may be received by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, under the Provisions of this Act or otherwise howsoever, from, and the Proceeds of any Sales or Dispositions made by them or either of them of, any Part of the Bed or Shores of any navigable River so far as the Tide flows, or of the Bed or Shores of the Sea below High-water Mark, or of any Inclosures, Embankments, and Encroach-

Encroachments made therefrom or thereupon respectively within the County of Durham, and after deducting thereout all Costs, Charges, and Expenses in anywise incidental to the Sale or Management of such Property, be divided into *Moieties*, and *one Moiety* of such Rent, Profits, Monies, and Proceeds shall be applied by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues as Part of the Hereditary Possessions and Land Revenues of the Crown, in the Manner prescribed by an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, Chapter Fifty, and the *other Moiety* thereof shall be paid by the same Commissioners to the Ecclesiastical Commissioners for England; but, notwithstanding this Provision for the Apportionment of the said Rents, Profits, Monies, and Proceeds, the said Ecclesiastical Commissioners shall have no Right to interfere with the Management or Disposition of such Property, which shall be managed and disposed of in all respects as Part and Parcel of the Hereditary Possessions of the Crown, and as if no such Provision as last aforesaid had been made. siastical Commissioners.

V. All Forfeitures of Lands or Goods for Treason or otherwise, and all Mines of Gold and Silver, Treasure Trove, Deodands, Escheats, Fines and Amerciaments, and all Jura Regalia, of what Nature or Kind soever, (other than any Estate and Interest in the Beds and Shores of navigable Rivers so far as the Tide flows, and in the Bed and Shore of the Sea, and any Inclosures, Embankments, and Encroachments therefrom or thereupon respectively, and as to which Premises Provision is herein-before contined,) which under the Provisions of the recited Act are vested in Her Majesty in right of the County Palatine of Durham, shall be and the same are hereby vested in Her Majesty, Her Heirs and Successors, in right of the Crown, and shall be exerciseable and recoverable, and the Proceeds therefrom shall be applied accordingly. Forfeitures and other Jura Regalia vested in Her Majesty in right of Her Crown.

VI. Saving always to all and every Persons and Person, and Bodies Politic and Corporate, their, his, and her Heirs, Executors, Administrators, and Successors, (other than in the Cases already provided for and intended to be provided for by this Act,) all such Estates, Rights, Titles, and Interests as they and every or any of them had and enjoyed before the passing of the Act, or could or might have had or enjoyed in case this Act had not been passed. General Saving.

Durham County Palatine Jurisdiction.

A

BILL

To amend the Provisions of an Act of the Sixth Year of King William the Fourth, for separating the Palatine Jurisdiction of the County Palatine of Durham from the Bishoprick of Durham; and to make further Provision with respect to the Jura Regalia of the said County.

(Prepared and brought in by Mr. Hamilton and Mr. Secretary Walpole.)

Ordered, by the House of Commons, *to be Printed*, 23 *April* 1858.

[Bill 61.]

Under 1 *oz.*

East India Loan Bill.

ARRANGEMENT OF CLAUSES.

East India Company may raise not exceeding Ten Millions; Sect. 1.

Money may be raised on the Bonds of the Company; 2.

Debentures to be issued by the Company; 3.

Payment of Principal and Interest on Debentures; 4.

Debentures transferable by Delivery; 5.

The whole Amount secured not to exceed Ten Millions; 6.

Monies may be raised for Repayment of Principal Monies; 7.

Securities to be charged; 8.

Provision as to Composition for Stamp Duties on India Bonds extended to Bonds and Debentures under this Act; 9.

Forgery of Debentures to be punishable as Forgery of East India Bonds; 10.

Subscriptions for Loans raised in India may be received in Great Britain; 11.

Saving of existing Powers of the Company; 12.

A

BILL

FOR

Enabling the East India Company to raise Money in the United Kingdom for the Service of the Government of India.

WHEREAS in consequence of the Disturbances in India it is expedient that the East India Company should be enabled to raise Money in the United Kingdom on the Credit of the Revenues of India: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be lawful for the Court of Directors of the East India Company, under the Direction and Control of the Board of Commissioners for the Affairs of India, at any Time or Times before the *Thirtieth Day of April One thousand eight hundred and fifty-nine*, or if Parliament be then sitting before the End of the then Session of Parliament, to raise in the United Kingdom for the Service of the Government of India any Sum or Sums of Money not exceeding in the whole *Ten Millions* as herein-after provided. East India Company may raise not exceeding Ten Millions.

Money may be raised on Bonds of the Company.

II. It shall be lawful for the said Court of Directors, under such Direction and Control as aforesaid, from Time to Time to borrow upon Bonds, to be issued under the Common Seal of the said Company, all or any Part of the Money hereby authorized to be raised as aforesaid, such Bonds to be for such respective Amounts payable after such Notice and at such Rate or Rates of Interest as the said Court of Directors, under such Direction and Control, may think fit.

Debentures to be issued by the Company.

III. For raising all or any Part of the Money by this Act authorixed to be raised which may not be borrowed on Bond as aforesaid, it shall be lawful for the said Court of Directors, under such Direction and Control as aforesaid, to issue from Time to Time Debentures, under the Common Seal of the said Company, for such respective Amounts and at such Rate or Rates of Interest as the said Court of Directors, under such Direction and Control as aforesaid, think fit, such Debentures to be issued at or for such Prices and on such Terms as may be determined by the said Court of Directors, under such Direction and Control as aforesaid.

Payment of Principal and Interest on Debentures.

IV. All Debentures issued under the Authority of this Act shall be paid off at Par at a Time or Times to be mentioned in such Debentures respectively, and the Interest on all such Debentures shall be payable half yearly on such Days as shall be mentioned therein, and the Principal Monies and Interest secured by such Debentures shall be payable at the Treasury of the said Company in London.

Debentures transferable by Delivery.

V. All Debentures issued under the Authority of this Act, and all Right to and in respect of the Principal Monies secured thereby, and all Interest due and accruing thereon, shall be transferable by the Delivery of such Debentures respectively.

The whole Amount secured not to exceed Ten Millions.

VI. The whole Amount of Principal Monies to be secured by Bonds or Debentures, or by Bonds and Debentures, to be issued under this Act, shall not exceed *Ten Millions;* and no Money shall be raised or secured under the Authority of this Act after the said *Thirtieth Day of April One thousand eight hundred and fifty-nine*, or if Parliament be then sitting after the End of the then Session of Parliament, save for or upon the Repayment of Principal Monies previously secured under this Act, as herein-after provided.

Money may be raised for Repayment of Principal Monies.

VII. Upon or for the Repayment of the Principal Money secured under the Authority of this Act, or any Part of such Money, the Court of Directors may, at any Time, under such Direction and Control

Control as aforesaid, borrow or raise by Bonds or Debentures as aforesaid all or any Part of the Amount of Principal Money repaid or to be repaid, and so from Time to Time as all or any Part of any Principal Money for the Time being secured under this Act may require to be repaid; but the Amount to be secured by new Securities shall not in any Case exceed the Principal Money required to be repaid.

Securities to be charged.

VIII. All Bonds and Debentures to be issued under this Act, and the Principal Monies and Interest thereby secured, shall be charged on and payable out of the Revenues of the Territories under the Government of the said Company, in like Manner as other Liabilities incurred on account of the Government of the said Territories.

Provision as to Composition for Stamp Duties on India Bonds extended to Bonds and Debentures under this Act.
5 & 6 W. 4. c. 64.

IX. The Provisions contained in Section Four of the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Sixty-four, with respect to the Composition and Agreement for the Payment by the said Company of an annual Sum in lieu of Stamp Duties on their Bonds, and the Exemption of their Bonds from Stamp Duties, shall be applicable with respect to the Bonds and Debentures to be issued under the Authority of this Act, as if such Provisions were here repeated and re-enacted with reference thereto.

Forgery of Debentures to be punishable as Forgery of East Indian Bonds.

X. All Provisions now in force in anywise relating to the Offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any East India Bond, with Intent to defraud, shall extend and be applicable to and in respect of any Debenture issued under the Common Seal of the said Company under the Authority of this Act, as well as to and in respect of any Bond issued under the Seal of the said Company under such Authority.

Subscriptions for Loans raised in India may be received in Great Britain.

XI. It shall be lawful for the Court of Directors of the East India Company, under such Direction and Control as aforesaid, to receive Subscriptions in the United Kingdom to or on account of any Loans which the Governor General of India in Council may have ordered to be opened for raising Monies for the Service of the Government of India, in any Case where, in conformity with the Terms authorized by such Governor General in Council, such Subscriptions may be so received.

Saving of existing Powers of the Company.

XII. This Act shall not prejudice or affect any Power of raising or borrowing Money vested in the said Company at the Time of the passing thereof.

East India Loan.

A

BILL

For enabling the East India Company to raise Money in the United Kingdom for the Service of the Government of India.

(*Prepared and brought in by*
(*Mr. Vernon Smith, the Chancellor of the Exchequer, and Mr. Mangles.*)

Ordered, by The House of Commons, *to be Printed*, 5 *February* 1858.

[Bill 9.]

Under 1 *oz.*

12 *July* 1858. 21 & 22 Vict.

A

B I L L

INTITULED

An Act further to amend the Acts relating to the Ecclesiastical Commissioners, and the Act concerning the Management of Episcopal and Capitular Estates in England.

Preamble.

WHEREAS it is expedient to amend the Acts relating to the Ecclesiastical Commissioners for England: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of 13 & 14 Vict. c. 94. s. 17.

I. Section Seventeen of the Act of the Session holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Ninety-four, directing the Mode of securing the annual Income of Archbishops and Bishops, shall, as respects every Archbishop and Bishop who shall succeed to a See after the passing of this Act, be repealed.

The Lands of each See to vest in the Commissioners on

II. Upon the first Avoidance of the See of any Archbishop or Bishop in England after the passing of this Act, all the Lands, Hereditaments, and Emoluments of or belonging to such See (except all

the next Avoidance.

all Rights of Patronage or Presentation and the Residences of the Archbishop or Bishop, and such Lands necessary for the Enjoyment of such Residences as shall be attached thereto by any Scheme sanctioned by Order in Council) shall become vested absolutely in the Ecclesiastical Commissioners for England, for the Purposes and subject to the Provisions applicable to other Hereditaments vested in the said Commissioners.

Lands sufficient to afford the statutory Income to be secured to each See.

III. After the Lands of a See have become vested in the Commissioners as aforesaid, an Arrangement shall be made as soon as conveniently may be, and with all reasonable Despatch, for assigning to the Archbishop or Bishop of such See and his Successors, as an Endowment for the See, such of the Lands and Hereditaments then vested in the Ecclesiastical Commissioners for England as in the Judgment of the Estates Committee of the said Ecclesiastical Commissioners, and subject to the Approbation of such Archbishop or Bishop, may be deemed convenient to be held as such Endowment, and will secure as nearly as may be, after deducting Costs of Management, a net annual Income equal to that named for the Archbishop or Bishop of the See by any Act of Parliament or Order in Council then in force, and no more; and in the meantime, until such Endowment is so assigned, the Ecclesiastical Commissioners shall pay to the Archbishop or Bishop of the See the annual Income named for him as aforesaid, at the Times at which the same would have been payable if this Act had not been passed.

Like Arrangement may be made before next Avoidance, on Request of the Bishop.

IV. In case any Archbishop or Bishop who may have succeeded on an Avoidance happening before the passing of this Act, and having an Income named as aforesaid, signify his Willingness to accept an Endowment for his See in Lands and Hereditaments, in lieu of his Income, it shall be lawful to make the like Arrangement for that Purpose as might have been made if the Lands of the See had become vested in the Commissioners as aforesaid, and upon such Arrangement being made all the Lands, Hereditaments, and Emoluments of or belonging to the See, except such as may be assigned under such Arrangement, and such Rights of Patronage or Presentation, and Residences as aforesaid, shall become vested absolutely in the said Ecclesiastical Commissioners.

Arrangements to be revised on Avoidance.

V. On the Avoidance from Time to Time of any See, after the Assignment of an Endowment for the same, the Estates Committee of the Ecclesiastical Commissioners shall revise the Arrangement in force in relation to such Endowment, and for that Purpose inquire into the State and Productiveness of such Endowment, and if such Endowment, in the Judgment of the Committee, will secure a net

net annual Income exceeding that named for the Archbishop or Bishop as aforesaid, or will not secure the full Amount of such annual Income, such Committee shall report thereon to the said Ecclesiastical Commissioners, and an Arrangement shall be made by vesting Part of the Lands and Hereditaments constituting such Endowment in the Ecclesiastical Commissioners, or by assigning Lands and Hereditaments by way of Addition to such Endowment, or by means of annual or other Payments to or by the Ecclesiastical Commissioners, as the Case may require, which may secure, in the Judgment of the said Committee, to the Archbishop or Bishop who may succeed upon that Avoidance, the net annual Income so named, or as near thereto as Circumstances will allow.

When Commissioners are entitled to Three Fourths of Corporate Revenues of a Chapter, all Estates, &c. of such Chapter to be vested in the Commissioners.

VI. Whenever and so soon as the Payments which the Commissioners may be liable to make, under the Provisions of any Order or Orders of Her Majesty in Council, for regulating the Income of any Member or Members of an Ecclesiastical Corporation Aggregate, or for providing such Compensation for Diminution of Income as is herein-after mentioned, shall, either alone or in addition to the Portions or Shares of and in the divisible Corporate Revenues of such Corporation to which the Commissioners are or may become entitled, pursuant to the Provisions of any Act of Parliament or Order in Council, amount or be equal to Three Fourth Parts of the divisible Income of such Corporation, all the Lands, Hereditaments, and Emoluments of or belonging to such Corporation (except all Rights of Patronage and Presentation, the Cathedral or Collegiate Church and the Precincts thereof, and the Residences of the Deans and Canons, Minor Canons, Lay Clerks, Officers, and Servants, and any Lands or Hereditaments used for the Purposes of a College or School under the Government of the Chapter, or connected with the Cathedral or Collegiate Church,) shall become vested absolutely in the Ecclesiastical Commissioners for the Purposes and subject to the Provisions applicable to other Hereditaments vested in the said Commissioners; and in the meantime, and until an Endowment has been assigned to such Chapter in manner herein-after directed, the Commissioners shall pay to such Chapter such annual or other Sums of Money as may be necessary to defray the Expenses connected with the Cathedral Establishment, as mentioned in the Schedule hereto, and to provide the Incomes of the Deans and Canons; and the Income to be so provided for the Holder of any Deanery or Canonry shall be that which the Holder of such Deanery or Canonry would have received if this Act had not been passed, or such Income as shall have been fixed by Order in Council for Members of such Chapter thereafter to be appointed, at the Option of the Holder of such Canonry

Commissioners may make Arrangements for securing fixed Incomes to Members of Ecclesias-Corporations.

VII. It shall be lawful for the Commissioners to make with any Member of an Ecclesiastical Corporation Aggregate who may not be in the Receipt of a fixed Income an Arrangement for securing to such Member and to his Successors in the same Dignity a fixed Income of such Amount as he and they would have received if this Act had not been passed.

Lands sufficient to secure the Incomes to be assigned to Chapters.

VIII. When any Lands of a Chapter have become vested in the Ecclesiastical Commissioners as aforesaid, an Arrangement shall be made, from Time to Time, as soon as conveniently may be, and with all reasonable Despatch, by the said Commissioners, with the Chapter interested, for assigning to such Chapter as an Endowment such Lands and Hereditaments vested in the said Commissioners as may be convenient to be held as such Endowment or Part Endowment, and such as will together secure, as nearly as may be, after deducting Costs of Management, a net annual Income equal to the Payment which the Commissioners are herein directed to make to such Chapter when and so soon as its Lands become vested in the Commissioners, and the Lands and Hereditaments so assigned shall be taken in lieu of the Income or Part thereof intended to be secured thereby.

Arrangements may be made for preventing specified Lands of a Chapter from vesting in the Commissioners.

IX. Where any Chapter, the Lands, Hereditaments, and Emoluments of which have not become vested in the Ecclesiastical Commissioners under this Act, represent to such Commissioners that any of the Lands then belonging to such Chapter, and convenient to be held for the Purpose, should be secured to such Chapter as Part of the permanent Endowment to which they would be ultimately entitled under this Act, an Arrangement may, if the Commissioners think fit, be made for excepting such Lands from the Provisions of this Act for vesting in the Commissioners the Lands of such Chapter, and such Lands so excepted shall be considered as Part of the Endowment of such Chapter under this Act, and shall be taken into account accordingly in assigning to such Chapter an Endowment under the Provisions herein contained, and in determining the Amount of the Sums to be paid to such Chapter until such Endowment is fully provided.

The Endowment to be in lieu of the fixed Income.

X. When the Arrangement is completed under this Act for the Endowment of a See or Chapter the Lands and Hereditaments thereby assigned shall be the Endowment of the See or Chapter (as the Case may be), and shall be taken in lieu of the Income intended to be secured thereby.

Rents and Profits of Lands vested in Commissioners to be

XI. Subject to the Provisions of this Act, the Rents, Profits, and Proceeds, annual or otherwise, of the Lands and Hereditaments vested in the Ecclesiastical Commissioners under the Provisions of this

this Act, together with all Accumulations of Interest arising therefrom, shall be from Time to Time carried to the Common Fund of the Commissioners, and be applicable for all the Purposes of the same; provided that, unless and until an Endowment has been secured in manner herein directed to a See or Chapter the Lands, Hereditaments, and Emoluments of which have been hereby transferred to the Commissioners, no Portion of the Rents, Profits, or Proceeds of such Lands and Hereditaments shall be applicable to the Purposes of the Common Fund, as mentioned in Section Sixty-seven of the Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, save and except such Share or Shares of the said Rents, Profits, and Proceeds as may be or become payable to such Fund under the Authority of the same Act.

carried to their Common Fund.

XII. All Arrangements for the Purposes of this Act shall be made by the Authority and in the Manner by and in which Arrangements for carrying into effect the Recommendations recited in the Act of the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapter Seventy-seven, may now be made.

Arrangements, how to be made.

XIII. No Lands assigned or secured as the Endowment of any See or Chapter under this Act shall be granted by the Archbishop or Bishop or Chapter otherwise than from Year to Year, or for a Term of Years in possession not exceeding Twenty-one Years, at the best annual Rent that can be reasonably gotten without Fine, the Lessee not to be made dispunishable for Waste or exempted from Liability in respect of Waste; and so that in every such Lease such or the like Covenants, Conditions, and Reservations be entered into, reserved, or contained with or for the Benefit of the Archbishop or Bishop and his Successors, or the Chapter (as the Case may be), as under Section One of the Act passed in the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Twenty-seven, (for better enabling the Incumbents of Ecclesiastical Benefices to demise the Lands belonging to their Benefices on Farming Leases,) are to be entered into, reserved, or contained in a Lease granted under that Enactment to or for the Benefit of the Incumbent and his Successors, or as near thereto as the Circumstances of the Case will permit; but where, under the said Section of the last-mentioned Act, any Consents are provided for or required, the Consent only of the Archbishop or Bishop for the Time being, or the Chapter (as the Case may be), shall be requisite: Provided always, that it shall be lawful for the Archbishop or Bishop, or Chapter, with the Approval of the Estates Committee of the Ecclesiastical Commissioners, testified under the Common Seal of the said Commissioners, which the said Committee are hereby empowered to affix to any Lease for this Purpose,

Lands assigned as Endowments, how to be leased.

from Time to Time to grant Mining or Building or other Leases of any such Lands, for such Periods, for such Considerations, upon such Terms, and generally in such Manner as such Committee under the Circumstances of each Case may think fit, and it shall be lawful for such Committee to require that any Portion of the Rent reserved on any such Lease shall be payable to the said Ecclesiastical Commissioners.

Estates Committee to see that Property assigned as Endowment is kept in proper Condition.

XIV. The Estates Committee shall cause the Property assigned as an Endowment for any See or Chapter as aforesaid to be inspected so often as they think fit, and shall cause Notice in Writing of all Dilapidations or Want of Repair found on such Inspection, and of the Repairs or Works necessary for remedying the same, to be given to the Archbishop or Bishop of such See, or to such Chapter, and such Archbishop, Bishop, or Chapter shall forthwith do or cause to be done, at his or their own Expense, or at the Expense of his or their Lessees or Tenants, (as the Case may require,) the Repairs or Works mentioned in such Notice; and if any Difference arise between such Archbishop, Bishop, or Chapter, and the Estates Committee, with regard to the Condition of such Property, or the Repairs or Works required by the Estates Committee, the Matter in difference shall be referred to Arbitration as herein-after provided.

Provision for the Improvement of Lands.

XV. It shall be lawful for the Estates Committee, upon the Application of any Archbishop or Bishop or Chapter, to undertake or authorize any Works of permanent Improvement which such Committee may think advisable, on any Lands assigned by way of Endowment to such Archbishop, Bishop, or Chapter, and the Ecclesiastical Commissioners may advance out of the Common Fund the Money which may be required for the Purpose of such Works, and the Money so advanced shall be repaid, with such Interest, and at such Times, and until repaid shall be charged on such of the said Lands, as may be agreed upon by the said Committee and the said Archbishop, Bishop, or Chapter, and his or their Tenants interested in such Improvements.

Estates Committee, where required, to manage the Lands assigned.

XVI. The Estates Committee shall, when required by any Archbishop or Bishop to whom Lands may have been assigned as an Endowment under this Act, undertake the Management of such Lands, and receive the Rents and Profits thereof during the Incumbency of the Archbishop or Bishop; and the Estates Committee may at any Time, by Agreement with the Dean and Majority of Canons in any Chapter, undertake the Management of the Lands assigned as an Endowment for such Chapter, for any Period not less than Fourteen Years and not more than Twenty-one Years; and in every such Case as aforesaid the Estates Committee, during their Management,

Management, may grant all such Leases as might have been granted by such Archbishop or Bishop or Chapter alone, if the Lands had continued under his or their Management, and may, with the Approval of such Archbishop, Bishop, or Chapter, grant such other Leases as might have been granted by him or them, with the Approval of the Estates Committee; and the Commissioners shall, during the Time such Lands are under the Management of the said Estates Committee, pay to such Archbishop, Bishop, or Chapter the annual Income to secure which the Lands may have been assigned.

Chapter Accounts to be kept in Form approved by Estates Committee.

XVII. The Estates Committee shall, as soon as conveniently may be, prepare Forms of Account according to which Chapters of Cathedral or Collegiate Churches in England shall, upon Requisition to that Effect being made to them under the Common Seal of the said Commissioners, which Seal the Estates Committee are hereby empowered to affix to such Requisition, enter the Receipts, Expenditure, and periodical Divisions of the Proceeds of their Capitular Endowments; and every Chapter shall cause to be delivered to the Estates Committee a Copy or Abstract of every such Account, verified in such Manner as the Committee may require, as soon as conveniently may be after the Time of making up the Accounts.

Estates Committee may object to Items of Expenditure.

XVIII. The Estates Committee shall be entitled to require from every Chapter Information in detail as to any Item in any such Account as aforesaid, and may object to any Item which they may think should not be payable or should not be wholly payable out of the Income or Funds of such Chapter; and if on any Objection being made to any Item by such Committee the Chapter do not agree to withdraw such Item from the Account or reduce the same, in pursuance of such Objection, the Matter in difference shall be referred to Arbitration as herein-after provided.

Chapters empowered, with Commissioners Consent, to borrow Money for Repair or Improvement of Cathedrals.

XIX. Whenever the Dean and Chapter of any Cathedral or Collegiate Church shall make it appear to the Ecclesiastical Commissioners for England that it would be expedient to lay out any extraordinary Sum of Money in the Reparation or Improvement of the Fabric of their Church, it shall be lawful, by the Authority and in manner herein provided in respect of Arrangements, to make Arrangements for the borrowing and Repayment by the said Dean and Chapter of such a Sum as the said Commissioners shall, under the Circumstances, think suitable for such Purpose; and the Expenditure of the Money so to be borrowed shall be regulated in such Manner as shall be directed by the like Authority, and it shall be lawful for the Governors of Queen Anne's Bounty to lend to such Dean and Chapter any Money authorized to be borrowed as aforesaid.

3 & 4 Vict. c. 113. s. 67.

XX. And whereas by the Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, Section Sixty-seven, it is provided, that, by Payments or Investments made out of the Common Fund of the Ecclesiastical Commissioners, or by means of an actual Conveyance and Assignment of Lands, Tithes, or other Hereditaments, vested or to be vested in them as therein mentioned, or of a Portion thereof, additional Provision shall be made by the Authority therein provided for the Cure of Souls in Parishes where such Assistance is most required; provided always, that in making any such additional Provision out of any Tithes, or any Lands or other Hereditaments allotted or assigned in lieu of Tithes so vested or to be vested in the said Commissioners, or out of the Rents and Profits thereof, due Consideration shall be had of the Wants and Circumstances of the Places in which such Tithes arise or have heretofore arisen: In making additional Provision for the Cure of Souls under the recited Enactment out of any Lands or Hereditaments whatsoever now vested or hereafter to be vested in the said Commissioners (except Lands or Hereditaments which may have been or may hereafter be bought or taken in exchange by the Commissioners), or any Estate or Interest in Lands or Hereditaments so bought or taken in exchange during the Continuance of such Estate or Interest, or out of the Rents and Profits thereof (except as aforesaid), due Consideration shall be had of the Wants and Circumstances of the Places in which such Lands or Hereditaments may be situate or arise.

Recited Provision extended to all Lands.

Provisions concerning local Claims to apply to Tithes and Lands of an Ecclesiastical Corporation having a Revenue exceeding its statutory Income.

XXI. Where any Ecclesiastical Corporation, Aggregate or Sole, is in the Receipt of an Income fixed by Act of Parliament, and the Estates of such Corporation yield an annual Income greater than the Income so fixed, it shall be lawful for the Ecclesiastical Commissioners to make, out of any Tithes, Lands, or Hereditaments whatsoever from which such annual Income arises, or out of the Rents and Profits thereof, such Provision as may seem to them needful for the Cure of Souls in the Parish or Place in which such Tithes, Lands, or Hereditaments are situate or arise, in the same Manner and to the same Extent in and to which such Provision might be made if the said Tithes, Lands, or Hereditaments were actually vested in the Commissioners.

Preference may be given to Places where Contribution is made in aid of Grant.

XXII. In making additional Provision for the Cure of Souls under Section Sixty-seven of the said Act of the Third and Fourth Years of Her Majesty, Preference may be given, if the said Commissioners see fit, to those Places in respect of which Contributions from other Sources are made in aid of Grants out of the Common Fund, but this Enactment shall not prejudice the Proviso at the End of the said Section, or the last Two preceding Sections of this Act.

XXIII. Where

Power to Corporations, with Approval of the Church Estates Commissioners, to sell Lands in possession, for facilitating Negotiations with Lessees.

XXIII. Where it appears to the Church Estates Commissioners that Inconvenience is occasioned in the Negotiations between any Ecclesiastical Corporation, Sole or Aggregate, and its Lessees, (in relation to Property which it is now authorized to dispose of,) by reason of its Disability to sell or exchange intermixed or other Lands held by such Corporation in possession, or for some other Estate which it is not now authorized to dispose of, it shall be lawful for such Ecclesiastical Corporation, with the Approval in Writing of the said Church Estates Commissioners, to sell any such Lands (whether of Freehold or Copyhold or Customary Tenure), or to exchange any such Lands for other Lands or any Estate or Interest therein; and all the Provisions of the Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred and four, as amended by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and sixteen, and this Act, authorizing the receiving or paying of Money by way of Equality of Exchange, and concerning the Payment, Application, and Investment of any Money payable to or for the Benefit of any such Corporation on any such Sale, Exchange, or Enfranchisement as is mentioned in the said Act of the Fourteenth and Fifteenth Years of Her Majesty, and all other the Provisions of the said Acts in anywise applicable for effectuating any such Sale, Exchange, or Enfranchisement, or in consequence thereof, shall, so far as the Nature of the Case may require, extend and be applicable to and in consequence of any Sale or Exchange authorized by this Act.

Small Portions of Land under Leases usually renewed for the Purposes of Schools may be conveyed absolutely without Payment.

XXIV. Where it appears to the Church Estates Commissioners that any such Ecclesiastical Corporation has been accustomed to renew without Payment of any Fine, or for a nominal Fine, the Lease of any Lands used for the Purposes of a School, or the Support or Maintenance thereof, it shall be lawful for such Corporation, with the Approval in Writing of the Church Estates Commissioners, or where the Lands have become vested in the Ecclesiastical Commissioners, for such Commissioners, to convey to the Trustees or other Persons to whom a Renewal of such Lease might have been granted in trust for the Purposes of such School all or any Part of such Lands, for the whole Estate of such Corporation therein, without requiring the Payment of any Consideration for the same; and every Conveyance in pursuance of this Provision shall be made and confirmed as provided by Section Five of the said Act of the Fourteenth and Fifteenth Years of Her Majesty with reference to such Conveyances as therein mentioned.

When Ecclesiastical Corporations have been accustomed to renew Leases, Lands may be conveyed by such Corporations without Consideration.

XXV. When any Ecclesiastical Corporation, previous to the passing of this Act, has been accustomed to grant or renew, without Payment of any Fine, or for a nominal Fine, the Lease of any Lands, Tenements, Tithe Rentcharges, or other Hereditaments, for the Endowment, either in whole or part, of the Incumbent of any Parish or Chapelry, the whole Estate of such Ecclesiastical Corporation in such Lands, Tenements, Tithe Rentcharges, or other Hereditaments, heretofore held by such Lease, may, with the Consent of the Ecclesiastical Commissioners, under their Common Seal, be lawfully conveyed by such Corporation to the Incumbent to whom a Renewal of such Lease might have been granted, without such Corporation requiring the Payment of any valuable Consideration for such Conveyance.

When Ecclesiastical Corporation has been accustomed to reserve Rent, the whole Estates may be conveyed to Incumbent without Consideration.

XXVI. When any Ecclesiastical Corporation, previous to the passing of this Act, has been accustomed to reserve any annual Rent or other Payments in any Lease granted or renewed by them for the Endowment, either in whole or part, of the Incumbent of any Parish or Chapelry, the whole Estate of such Ecclesiastical Corporation, in such annual Rents or other Payments heretofore granted and reserved as aforesaid, may, with the Consent of the Ecclesiastical Commissioners, under their Common Seal, be lawfully conveyed to the Incumbent for whom they are at present reserved, without such Corporation requiring any valuable Consideration for the Conveyance of such Estate.

Trustees and others having Power to raise Money for Renewals may raise Money for Enfranchisements.

XXVII. In any Case in which any Estate or Interest under any Lease or Grant made by any such Ecclesiastical Corporation may be vested in any Person or Persons as a Trustee or Trustees, whether expressly or by Implication of Law, with Power to raise Money for the Purpose of procuring a Renewal of such Lease or Grant, and in every other Case in which a Power is vested in any Person or Persons for that Purpose, it shall be lawful for such Person or Persons to raise Money for the Purpose of purchasing the Reversion of or otherwise enfranchising the Property comprised in such Lease or Grant, and to apply the same accordingly, in the same Manner, and subject to the same Conditions, mutatis mutandis, so far as the same may be applicable to the Case, as such Person or Persons might by virtue of such Power have raised Money for the Purpose of renewing such Lease or Grant and have applied the same accordingly.

In estimating Value of 21 Years Leases, an

XXVIII. In estimating, for the Purposes of any Sale, Purchase, or Exchange under the said Acts of the Fourteenth and Fifteenth Years and Seventeenth and Eighteenth Years of Her Majesty, and this Act,

or

or any of them, the Value of the Estate or Interest of any Lessee of any Lands holden of any Ecclesiastical Corporation or of the Ecclesiastical Commissioners under any Lease granted for a Term of Twenty-one Years, an Extension of the unexpired Term to the First Day of August One thousand eight hundred and eighty at the accustomed Rate of Fine shall, as a Rule, be allowed, and no Lease for such Term of Twenty-one Years shall be extended beyond the said First Day of August One thousand eight hundred and eighty.

Extension to 1st August 1880 to be allowed.

XXIX. Where any Ecclesiastical Corporation Sole not having a fixed Income, or any Ecclesiastical Corporation Aggregate represent and show to the Ecclesiastical Commissioners that such Corporation, by reason of the Restriction herein-before contained on the Power of granting Leases for Twenty-one Years, will suffer a Diminution of Income, the Ecclesiastical Corporation, or the Members thereof not having fixed Incomes, shall be compensated in respect of the Diminution of Income.

Arrangement may be made for compensating Ecclesiastical Corporations for Loss from the Restriction on the Power of Leasing.

XXX. In any Case where a Treaty shall have been or shall be entered into under the said Acts of the Fourteenth and Fifteenth Years and Seventeenth and Eighteenth Years of Her Majesty, and this Act, or any of them, for any Sale, Exchange, or Purchase, it shall be lawful for either Party to require the other Party to join in referring to Arbitration the Finding of the annual Value of the Property comprised in the Lease or Grant, and of the Value of the Fee Simple, and when such Values have been found it shall be binding on both Parties, if either Party require, to proceed to such Sale, Exchange, or Purchase, on Terms to be computed according to such Finding.

Upon Treaty for Sale, &c. either Party may require Reference to Arbitration.

XXXI. Provided always, That upon any Arbitration under the said Act of the Seventeenth and Eighteenth Years of Her Majesty, or this Act, where any Lease shall relate to Lands (except Building Ground or Houses), the beneficial Interest of the Lessee shall be valued at the same Rate of Interest at which the Value of the Fee Simple has been determined.

Rules to be observed in Valuation as to Rate of Interest, &c.

XXXII. Where Persons holding Under-leases under the Lessee of any Ecclesiastical Corporation may, either before or after the passing of this Act, be under Obligation to pay or contribute to the Fines and Expenses of Renewal, and such Lessee is unable to obtain a Renewal of his Lease, but the Under-lessees are, by reason of the Purchase of the Reversion or other Arrangement made by such Lessee with the Ecclesiastical Commissioners, secured in the Enjoyment of

Provision as to Under-lessees bound to contribute to Expenses of Renewals.

the full Terms which might have been secured to them by means of such Renewal, or shall be otherwise sufficiently indemnified from all Loss which might be occasioned by Want of such Renewal, the Persons holding such Under-leases shall pay to such Lessee such gross Sums of Money or such additional yearly Rents during the unexpired Residues of such Terms as may be a just Equivalent for the Exemption from the Expenses of such Renewal; and where any such Under-lessee has under-leased, and his Under-lessees are under like Obligation to contribute to the Expenses of such Renewal, they shall pay to their Under-lessor such gross Sums of Money or such additional yearly Rents during the unexpired Residue of their Terms as may be a just Equivalent for such Exemption as aforesaid; and the Payments to be made in each Case, and the Nature and Sufficiency of the Indemnity (if any) to be given, shall, in case the Parties differ about the same, be referred to Arbitration.

Extending Powers of Apportionment of Rent, under 14 & 15 Vict. c. 104. s. 2. and 17 & 18 Vict. c. 116. s. 2., on Surrender, Sale, or Exchange of Part of Lands comprised in Lease held under the Ecclesiastical Commissioners.

XXXIII. The Powers and Provisions contained in the Section Two of the said Act of the Fourteenth and Fifteenth Years of Her Majesty, and the Section Two of the said Act of the Seventeenth and Eighteenth Years of Her Majesty, shall extend to authorize the Apportionment of Fines certain and Heriots, and also to authorize the Substitution of Money Payments in lieu of Heriots and the Apportionment of such Money Payments, and shall be applicable as well to Cases under those Acts as to Cases under this Act; and the Powers and Provisions so extended shall apply to all Cases of the Surrender, Conveyance, or Assignment to or in trust for the said Ecclesiastical Commissioners of the Estate or Interest in a Part only of the Lands comprised in any Lease, Grant, or Copy the Reversionary or Freehold Estate in which is or shall be vested in the said Ecclesiastical Commissioners, and also to all Cases of the Sale, Exchange, or Enfranchisement by the said Ecclesiastical Commissioners of a Part only of the Lands comprised in any such Lease, Grant, or Copy; and the Enfranchisement or Surrender under the said Acts or either of them, or this Act, of a Part only of any Copyhold or Customary Lands held under a Grant or Copy, shall not affect, in other respects than the Apportionment of the Rents, Fines, and Heriots, any Custom by or under which the Remainder of the Land comprised in such Grant or Copy is held, or the demiseable Quality of the Remainder of such Land.

Sums of Money agreed to be paid by Ecclesiastical Commissioners may, on

XXXIV. In every Case in which under any Contract by the Ecclesiastical Commissioners or any such Corporation with any Lessee or Grantee holding Land under the Ecclesiastical Commissioners or such Corporation by any Lease for Lives or Years, or Copyhold or Customary Grant, for the Purchase or receiving in Exchange

Exchange or Partition by the Ecclesiastical Commissioners or such Corporation of any Land comprised in such Lease or Grant, any Sum of Money is agreed to be paid by the said Ecclesiastical Commissioners or such Corporation, and in which the Lessee or Grantee shall fail or declare himself unable to make a marketable Title to or an effectual Assurance of such Land to the said Ecclesiastical Commissioners or such Corporation, such Sum of Money may, with the Consent of such Lessee or Grantee, be paid into the Bank of England in the Name and with the Privity of the Accountant General of the Court of Chancery to an Account in the Matter of an Act [*Title of this Act*] to the Credit of the Parties interested in such Land, and be disposed of in like Manner as is directed by "The Lands Clauses Consolidation Act, 1845," with respect to Purchase Moneys in the Case of Parties neglecting or failing to make out satisfactory Titles; and upon the Execution of an Assignment, Surrender, or other Assurance by the Person for the Time being the Party in possession or receipt of the Rents and Profits of the Land so agreed to be sold or conveyed in Exchange unto or in trust for the Ecclesiastical Commissioners or such Corporation, all the Estate and Interest in such Land in respect whereof such Money shall have been paid shall vest absolutely in the said Ecclesiastical Commissioners or Corporation, or other Person to whom the same shall be expressed to be assured.

Failure of Lessee or Grantee to make marketable Title to or Assurance of Land, be paid into Bank of England.

XXXV. And whereas by Schemes prepared by the Ecclesiastical Commissioners, and Orders issued by Her Majesty in Council ratifying the same, Arrangements have been made for the Transfer by certain Bishops and other Ecclesiastical Corporations, Aggregate and Sole, of the whole or Parts of the Estates, Stocks, Moneys, and Property belonging to their respective Sees, Dignities, or Offices, to the said Ecclesiastical Commissioners, in lieu of or by way of Substitution for Sums in gross or fixed annual Sums paid or to be paid to or provided for such Bishops and other Corporations respectively, and considerable Parts of the Estates, Stocks, Moneys, and Property so acquired by the Ecclesiastical Commissioners have been sold, exchanged, and otherwise dealt with by them: And whereas Doubts are entertained whether such Arrangements were in all Cases authorized by the Acts in pursuance whereof such Schemes purport to have been prepared: All such Arrangements as aforesaid shall be and be deemed to have been good, valid, and effectual, and any similar Arrangement which may in like Manner be hereafter made.

Confirmation of certain Commutations.

XXXVI. Where any Estate now or heretofore of any Ecclesiastical Corporation is subject to any special Act of Parliament providing for the perpetual Renewal of the Lease or Leases thereof, or for the

Rights and Obligations under special Acts preserved.

Leasing or the Management of such Estate, or creating or imposing any Rights, Remedies, or Obligations with reference to such Estate, the Rights of Renewal, and other the Rights and Obligations under such special Act, shall not be affected by this Act or by the Transfer of such Estate to the Commissioners, but such special Act, and any Leases, Contracts, Under-leases, Enfranchisements, and Instruments already or hereafter to be made, entered into, or executed thereunder, shall be construed so that by virtue of the Act of Parliament or other Authority under which the Estate shall have been transferred to or vested in the Commissioners, the same Leases, Contracts, Under-leases, Enfranchisements, and Instruments may operate and have Effect as if the Commissioners, as to such Part of the Estate as for the Time being shall be vested in them, and their respective Assigns as to each such several Part thereof as shall be vested in them respectively, were therein substituted for the Ecclesiastical Corporation whose Estate has been or shall be so transferred or have become so vested; and such special Act, Leases, Contracts, Under-leases, Enfranchisements, and Instruments shall be construed as if such Commissioners or their respective Assigns, as regards the Portion of the Estate vested in them respectively, were named or referred to therein instead of the Corporation named or referred to therein; and the Seal of such Commissioners shall be in every Case as regards the Estate or Part of an Estate for the Time being vested in them, and the sealing and delivery by any Assignee shall be in every Case as regards the Estate or Part of an Estate for the Time being vested in him as effectual as the Signature or Seal or Signature and Seal, as the Case may be, of the Corporation whose Estate has been or shall be so transferred or become so vested.

Power of Partition of Estates held under special Acts, &c.

XXXVII. Whenever any Property shall be vested in the Ecclesiastical Commissioners jointly or in common with any other Person, or subject to any Estate or Interest vested in any other Person, either under any special Act of Parliament or any Lease or Grant, and such Person shall be a Trustee of the Estate or Interest vested in him or them, it shall be lawful for such Trustee, in every Case in which he shall expressly or by Implication of Law have a Power of Sale, with such Consents only (if any) as may be requisite to such Sale, to concur with the said Ecclesiastical Commissioners, and also to and for the said Ecclesiastical Commissioners, under an Arrangement to be made in manner herein provided, to concur with such Trustee as aforesaid in making Partition of such Property so as to vest in the said Commissioners in Severalty in Fee, discharged from all Rights, Titles, and Trusts affecting the Estate or Interest of such Trustee, such Portion of the said Property as shall, under all the Circumstances of the Case, be a just and fair Equivalent for the Interest of the said Commissioners

Commissioners in the whole of such Estate, and in any Payments or Reservations payable to them thereout, and so as to vest in such Trustee in Severalty in Fee such remaining Portion of such Estate as shall in like Manner be a just and fair Equivalent for the Interest in the whole Estate of all other Parties besides the said Commissioners; and the Portions of such Estate to be vested in the said Commissioners and Trustee respectively in Severalty as aforesaid shall be ascertained by Arbitration as herein provided.

Substitution of Titles on Exchange or Partition.

XXXVIII. Every Exchange or Partition which shall be made under the Provisions of the said Acts of the Fourteenth and Fifteenth and of the Seventeenth and Eighteenth Years of Her Majesty, of this Act, or any of them, shall be valid and effectual in the Law to all Intents and Purposes whatsoever, and shall be in nowise liable to be impeached by reason of any Infirmity of Estate or Defect of Title of any of the Parties to such Exchange or Partition; and the Land expressed to be conveyed to or vested in any Corporation or Person under such Exchange or Partition shall henceforth be subject only to the same Uses, Limitations, Charges, and Equities as previously affected the Land in lieu or in respect of which the same was conveyed or vested by way of Substitution, or as near thereto as, regard being had to the different Natures or Tenures of the Interests acquired under such Exchange or Partition, and the relative Rights and Equities of Parties, and the Circumstances of the Case, will admit or may require.

Providing for the Transfer of the Paddington Estate.

XXXIX. When the Reversion in Fee in the Lands and Hereditaments at Paddington in the County of Middlesex, Part of the Possessions of the See of London (commonly called the Paddington Estate) now vested in the Bishop of London, subject to the Provisions of a Private Act of Parliament passed in the Sixth Year of His Majesty King George the Fourth, Chapter Forty-five, and the several Acts therein recited, shall be vested in the said Ecclesiastical Commissioners, either under the Provisions of this Act or of any of the Acts relating to the said Ecclesiastical Commissioners, the same shall become vested in them subject to the several Powers and Obligations created by the said Private Act and the Acts therein recited, which Powers and Obligations shall be exerciseable by and binding upon the said Commissioners while the said Reversion shall remain vested in them, in the same Manner as if the said Commissioners were named in the said Acts instead of the said Bishop, and as if the Common Seal of the said Commissioners had been thereby required or referred to instead of the Hand or Signature of the said Bishop; and the said Reversion shall continue to be so vested in the said Commissioners

until a special Scheme, to be prepared by the said Commissioners, for the Purpose of transferring, disposing of, or managing the same, shall be approved of by Her Majesty in Council; Notice of which Scheme shall be inserted and published in the London Gazette One Calendar Month at least previously to the same being so approved; and in such Scheme there shall be inserted such Provisions as shall be deemed proper for the Preservation and future Exercise and Fulfilment of the said Powers and Obligations, with such Alterations or Modifications (if any) as, having regard to the Change of Circumstances, may be deemed necessary; and such Scheme, when so approved, shall have the Force of an Act of Parliament.

Power to Trustees and Persons having Interests to charge Enfranchisement Moneys on the Lands enfranchised, &c.

XL. And whereas in some Cases Leases or Grants made by Ecclesiastical Corporations are in settlement or held in trust without Power to raise Money for Renewals, or the Manner prescribed for raising Money for Renewals may not be applicable for raising the Money required for Purchase or Enfranchisement: It shall be lawful for any Person or Persons being a Trustee or Trustees, expressly or by Implication of Law, of any such Lease or Grant, or any Person being under any Will or other Settlement in the actual Possession or Receipt of the Rents and Profits of the Lands comprised in such Lease or Grant, upon purchasing the Reversion or otherwise procuring the Enfranchisement of such Lands, to charge such Lands (or where the whole thereof is settled to the same Uses, Trusts, or Purposes, any Part thereof, exclusively of the Residue thereof,) with the Payment to any Person advancing any Money paid for such Purchase or Enfranchisement, and for the Expenses incident to such Purchase or Enfranchisement, or for either of those Purposes, of the Money so advanced, with Interest thereon at a Rate not exceeding Five Pounds per Centum per Annum, and to convey or cause to be conveyed such Lands by way of Mortgage for securing such Payment accordingly; and such Charge shall be effectual, as well on the subsisting Term or Estate under such Lease or Grant as on the Reversion or Interest acquired by such Purchase or Enfranchisement, and not only against the Person making the same, and all Persons claiming through him or for whom he may be a Trustee, but also against all Persons claiming any Estate or Interest in the same Lands through or under the same Will or Settlement, but so as not to prejudice any prior Charge or Incumbrance, Under-lease, or Tenancy affecting such Lands; and, subject and without Prejudice to such Charge and Mortgage so made as aforesaid, the Interest acquired by such Purchase or Enfranchisement shall be subject in Equity as is provided by Section Three of the said Act of the Fourteenth and Fifteenth Years of Her Majesty, concerning the Interest in Land acquired by any Lessee under that Act.

XLI. Where

Lands in the Lease or other Lands settled to like Uses may be sold or mortgaged to raise Money for Purchase of Reversion under Direction of the Court of Chancery.

XLI. Where any such Lease or Grant may be vested in any Person or Persons as a Trustee or Trustees, whether expressly or by Implication of Law, and other Lands, whether Freehold, Copyhold, or Leasehold, are vested in the same Trustees or Trustee upon the same or like Trusts, or are settled to the same Uses or Purposes, or as near thereto as the different Tenures of the Lands admit, or where any Person is under any Will or Settlement in the actual Possession or Receipt of the Rents and Profits of the Lands comprised in such Lease or Grant and of other Lands settled to like Trusts or Uses as aforesaid, it shall be lawful for such Trustees or Trustee, or such Person as aforesaid, with the Sanction and Approbation of the Court of Chancery, to be obtained on Petition to the said Court, to raise Money, either by Sale or Mortgage of all or any Part of the Property comprised in the Lease or Grant, and the other Lands, whether Freehold, Copyhold, or Leasehold, vested in such Trustee or Trustees, or settled as aforesaid, as the said Court shall direct, for the Purpose of purchasing the Reversion of or otherwise enfranchising the Property comprised in such Lease or Grant, in such Manner and subject to such Provisions for protecting or adjusting the Equities arising under such Purchase or Enfranchisement and such Mortgage or Sale as aforesaid as the Court shall think fit; and all Sales and Mortgages effected for the Purposes aforesaid shall be valid and binding on all Persons interested under the Trust, Will, or Settlement under which such Lands may be held in trust or settled as aforesaid.

Persons empowered to raise Money for Enfranchisement may give Lands in Exchange for Reversion.

XLII. Any Person authorized under this Act or otherwise to raise any Money for the Purchase of the Reversion of any Lease or Grant may exchange with the Corporation by which such Lease or Grant was made, or with the Ecclesiastical Commissioners, any Part of the Lands comprised in such Lease or Grant, for the Reversion, Estate, or Interest of such Corporation or the Ecclesiastical Commissioners in any other Part of the Lands comprised therein, or may exchange such Lands or any Part thereof for the Reversion, Estate, or Interest of the Corporation by which any Lease or Grant was made in any Lands comprised in any other Lease or Grant held under the same Trusts or settled to the same Uses, Trusts, or Purposes.

Extension of Provision concerning Benefices annexed to Headships of Colleges. 3 & 4 Vict. c. 113. s. 69.

XLIII. Section Sixty-nine of the said Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, shall be construed to extend to and shall include as well Benefices with Cure of Souls as Ecclesiastical Rectories, Prebends, and other Preferments without Cure of Souls, Advowsons and Rights of Patronage, whether exclusive or alternate, Impropriate Rectories and other Lands and Hereditaments annexed or belonging to or held either wholly or partly by or in trust for either of the Universities of

Oxford and Cambridge, or any College or Hall thereof, or the Head or any other Member of any such College or Hall, and also to extend to and include each of the same Universities, as well as each of the Colleges and Halls thereof respectively, and also to authorize, under the Authority mentioned in the said Act, the Annexation of the whole or any Part of the Lands or other Hereditaments or Endowments belonging to any such Ecclesiastical Rectory, Prebend, or other Preferment without Cure of Souls, Impropriate Rectories, and other Lands and Hereditaments aforesaid, or the Application of the Proceeds of any Sale thereof, which may be made under the said Section of the said Act or this Act, or under any other legal Authority, or of any Monies, Stocks, Funds, or Securities belonging to such University, College, Hall, Head, or Member, by way of Endowment or Augmentation of any Benefice with Cure of Souls the Patronage of which shall belong to or be held in trust for such University, or such College or Hall, or the Head or other Member thereof: Provided nevertheless, that the Powers conferred by this Clause in extension of the last-mentioned Act shall not be exercised to the Prejudice of the existing Interest of any such Head or other Member of a College or Hall, without his Consent; and in case of any Diminution being occasioned in the Income of any such Head or other Member of a College or Hall, by any Sale, Annexation, Purchase, or Investment that may be made under the Provisions of the said Act or of this Act, Arrangements may be made, under the Authority mentioned in the said Act, for giving to such Head or other Member adequate Compensation for such Diminution of his Income, out of the Revenues of such College or Hall, or out of the Proceeds of any such Sale or Investment; and the said Section of the said Act shall extend to authorize, under the like Authority, the Purchase of Advowsons of Benefices, whether such Benefices be or be not annexed to or held by or in trust for either of the said Universities, or any College or Hall thereof, or the Head or other Member of any such College or Hall to be added to those in the Patronage of such University, College, or Hall; and the Words "Colleges" and "College" in the said Section of the said recited Act and in this Act shall include the Cathedral Church of Christ in Oxford; and the Words "proper Securities" in the same Section shall be construed to extend to authorize and shall include the Purchase of Lands of Freehold Tenure, and also an Interim Investment in any of the Parliamentary Stocks or Public Funds of Great Britain; and all such Securities, Lands, and Stocks, or Funds shall be settled, held, applied, or disposed of in such Manner as by the University, College, or Hall effecting such Sale, Purchase, or Investment, and by the Authority referred to in the said recited Act, shall be arranged and determined in that Behalf; and every Endowment or

Augmentation

Augmentation which shall be made by any University, College, or Hall, of any Benefice with Cure of Souls, under the Authority of this Section, or by virtue of the Provisions of the Act of the First and Second Years of His late Majesty King William the Fourth, Chapter Forty-five, or any other Act or Acts of Parliament, shall be valid, notwithstanding the clear annual Value of such Benefice shall at the Time of such Endowment or Augmentation exceed, or be thereby made to exceed, the Limits prescribed by the Sixteenth Section of the said Act of the First and Second Years of King William the Fourth, or any other Act or Acts of Parliament: Provided that no such Augmentation or Endowment beyond the clear annual Value of Three hundred Pounds shall be made under the said Act of the First and Second Years of King William the Fourth, except with the Consent of the Ecclesiastical Commissioners, in addition to such other Consents as may be otherwise required thereto.

Provision as to Right of Patronage severed.

XLIV. On the Sale or Annexation under the last preceding Clause of any Ecclesiastical Rectory, Prebend, or other Preferment without Cure of Souls, or of any Impropriate Rectory, to which any Right of Patronage shall belong, and which is not intended to be included in such Sale or to accompany such Annexation, such Right of Patronage shall immediately after such Sale or Annexation be separated from and be no longer exercised by the Holder of such Ecclesiastical Rectory, Prebend, or other Preferment without Cure of Souls, or Impropriate Rectory, but shall by force of this Act be absolutely transferred to and vested in the University, College, or Hall, the former Patrons or Owners of such Ecclesiastical Rectory, Prebend, or other Preferment, or Impropriate Rectory.

Incorporation of Lands Clauses Act.

XLV. The Lands Clauses Consolidation Act, 1845, (except the Parts and Enactments of that Act with respect to the Purchase and Taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands required by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof,) shall be incorporated with and form Part of the said Section Sixty-nine of the Act of the Third and Fourth Years of Her Majesty, as extended by this Act, and as if the Corporate Name or Denomination of the University, College, or Hall in each particular Case had been inserted therein instead of "The Promoters of the Undertaking:" Provided that the Powers by the said Act vested in "The Promoters of the Undertaking" shall be exercised only by such University, College, or Hall, with the Consent of the Ecclesiastical Commissioners, testified by Writing under their Common Seal.

Compensation to Officers of Ecclesiastical Corporations.

XLVI. And whereas certain Officers of Ecclesiastical Corporations will be injured by the Restriction herein-before contained on the Power of granting Leases, whereby such Officers will be deprived of the Profits arising from the Preparation of such Leases and other Instruments connected therewith: It shall be lawful for the said Ecclesiastical Commissioners, and they are hereby required, to award and pay to such Officers such Sum of Money or Annuity as may be deemed by the said Commissioners a sufficient Compensation for the Loss such Officers will from Time to Time sustain by reason of the Restriction aforesaid; provided nevertheless, that such Officers have personally discharged their own Duties.

Provision as to Arbitration.

XLVII. Where by this Act it is provided that any Matter in difference shall be referred to Arbitration, or where any Difference shall arise between the Commissioners and any Body or Person touching the annual or other Sums of Money to be paid to any Chapter as herein directed, or touching the Value or Nature of the Estates proposed to be assigned as Endowment for any Chapter, the Matter in difference shall be referred to Two Arbitrators, One to be appointed by each Party, and all the Provisions of "The Common Law Procedure Act, 1854," applicable in the Case of such an Arbitration, shall apply accordingly; and for the Purpose of the Application of the said Act this Act shall be deemed the "Document" authorizing the Reference to Arbitration; and where any Matter is so referred, the Award of the Arbitrators or Umpire shall be final.

Extension of Patronage Exchange Powers.

XLVIII. It shall be lawful for any Person within the Meaning of the Term Person, as the same is interpreted by the Act Sixteenth and Seventeenth Victoria, Chapter Fifty, to exchange under the Provisions of the same Act any Advowson or Ecclesiastical Patronage belonging to such Person for any Advowson or Ecclesiastical Patronage belonging to any Ecclesiastical Corporation Aggregate or Sole or any other Person.

Notice to be given to the Bishop of Appointment or Exchange.

XLIX. That no Appointment or Exchange of Ecclesiastical Patronage under the Provision contained in the Act of the Sixth and Seventh Years of King William the Fourth, Chapter Seventy-seven, shall be carried into effect without due Notice in Writing of One Month at least being given to the Bishop of the Diocese within which such Ecclesiastical Patronage so proposed to be appointed or exchanged shall be situate.

Two Commissioners may execute Acts and Deeds.

L. All such Acts and Deeds as are now by Law required to be done or executed by the Church Estates Commissioners may be done or executed by any Two of such Church Estates Commissioners.

LI. The

Evidence of Appointment of Church Estates Commissioners.

LI. The Publication in the London Gazette of the Notice of the Appointment of any Church Estates Commissioners shall at all Times and for all Purposes be full and sufficient Evidence of the Fact of such Appointment; and every Receipt or Acknowledgment of Payment already given or to be given by the Treasurers for the Time being of the said Ecclesiastical Commissioners shall fully discharge the Person or Corporation to whom the same shall be given from all Responsibility in respect of the Amount in such Receipt or Acknowledgment expressed to have been received or paid, and from all Liability in respect of the Application or Misapplication thereof.

Treasurer's Receipts to be full Discharges.

Interpretation of Terms.

LII. The Provisions of the said Act of the Fourteenth and Fifteenth Years of Her Majesty with reference to the Interpretation of the Words and Expressions therein specified shall apply to this Act, and the Word "Lands" so interpreted shall be held to have included Lands held by the Tenure of Frankalmoign or free Alms.

Savings for Christ Church Oxford, and Manchester.

LIII. Nothing in this Act contained shall in any Manner affect or apply to the Cathedral Church of Christ in Oxford, except as herein otherwise specially provided, nor shall anything in this Act contained (except Sections Sixteen and Seventeen) affect or apply to the Cathedral or Collegiate Church of Manchester, or to the Parish of Manchester Division Act, 1850, or the Canonries annexed to the Rectories of Saint Margaret's and Saint John's Westminster under Third and Fourth Victoria, Chapter One hundred and thirteen, Section Thirty-nine.

SCHEDULE.

The Stipends of the Minor Canons, and of the other Officers and Bedesmen of the Cathedral or Collegiate Church.

The Cost for the Maintenance of the Cathedral and the Cathedral Precincts.

The Costs for the Performance of the Services, for the Provision and Repairs of the Church Furniture, for the Maintenance of the Cathedral Schools and Library, and the Payment of Rates, Taxes, and other customary and necessary Outgoings.

Amount of Augmentations to all Vicarages and Benefices charged on or payable from the Cathedral Funds.

Amount of Subscriptions and Donations to Churches, Schools, Parsonage Houses, Charities, or otherwise.

Ecclesiastical Commission.

A

BILL

INTITULED

An Act further to amend the Acts relating to the Ecclesiastical Commissioners, and the Act concerning the Management of Episcopal and Capitular Estates in England.

(*Brought from the Lords* 12 *July* 1858.)

Ordered, by The House of Commons, *to be Printed*, 12 *July* 1858.

[Bill 205.]

Under 3 *oz.*

Ecclesiastical Corporations Leasing Bill.

ARRANGEMENT OF CLAUSES.

Leases under 5 & 6 Vict. c. 108. may be granted in consideration of Premiums, and Sales or Exchanges of Glebe Lands may be effected in certain Cases; Sect. 1.

Application of Monies produced by Sales, &c.; 2.

Power to raise Money to be paid for Equality of Exchange or Partition; 3.

Power to enter into and vary Contracts and accept Surrenders; 4.

Provision for Payment of Expenses of Leases; 5.

This Act not to interfere with the Act of 14 & 15 Vict. in respect to Episcopal and Capitular Estates; 6.

This Act not to repeal Powers under former Acts; 7.

On Sale or Purchase of Part of Estate held under a Lease the Rent to be apportioned; 8.

No Lease to be granted of Land acquired under the Act, except at Rack Rent; 9.

Improved Value of Dignities, Offices, and Benefices to be paid to Commissioners; 10.

Section 18. of 5 & 6 Vict. c. 108. repealed; 11.

Other Clauses not hereby repealed incorporated in this Act; 12.

Short Titles; 13.

Act to extend only to England and Wales, Isle of Man, &c.; 14.

A

BILL

TO

Amend the Act of the Fifth and Sixth Years of Her present Majesty, for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years.

Preamble.

WHEREAS an Act was passed in the Session of the Fifth and Sixth Years of the Reign of Her present Majesty, intituled "An Act for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years:" 5 & 6 Vict. c. 108.

"And whereas it is expedient that the said Act should be amended: Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Leases under 5 & 6 Vict. c. 108. may be granted in consideration of Premiums; and, Sales or Ex-

I. In any Case in which it shall be made to appear to the Satisfaction of the Ecclesiastical Commissioners for England that all or any Part of the Lands, Houses, Mines, Minerals, or other Property of or belonging to any Ecclesiastical Corporation, which are by the said Act authorized to be leased, might, to the permanent Advantage of the

changes of Lands may be effected in certain Cases.

Estate or Endowments belonging to such Corporation, be leased in any Manner, or be sold, exchanged, or otherwise disposed of, it shall be lawful for any Ecclesiastical Corporation, aggregate or sole, except as in the said Act is excepted, from Time to Time, with such Consents as in the said recited Act mentioned, and with the Approval of the said Commissioners, to be testified by Deed under their Common Seal, to lease all or any Part or Parts of the Lands, Houses, Mines, Minerals, or other Property belonging to such Corporation, whether the same shall or shall not have been previously leased or dealt with under the Provisions of the said recited Act or of this Act, and either in consideration or partly in consideration of Premiums, or not, or for such other Considerations, and for such Term or Terms, and under and subject to such Covenants, Stipulations, Conditions, and Agreements on the Part of the Lessee or Lessees, and generally in such Manner as the said Commissioners shall under the Circumstances of each Case think proper and advisable; and also with the like Consents as are by the said recited Act required to the granting of a Lease (other than and except the Consent of the Lord of a Manor thereby required in regard to a Lease of Copyhold Hereditaments), and with the Approval of the said Commissioners, to be testified as aforesaid, absolutely to sell or convey in Exchange or by way of Partition, or otherwise dispose of, all or any Part or Parts of such Lands, Houses, Mines, Minerals, and other Property, whether the same shall have been previously leased under the Provisions of this Act or the said recited Act, or not, for such Equivalent, either in Money, or in Lands, Tenements, or Hereditaments, or partly in Money and partly in Lands, Tenements, or Hereditaments, or for such other Considerations or Purposes, as the said Commissioners shall deem reasonable and proper, and on every or any such Exchange or Partition to give or receive any Sum or Sums of Money by way of Equality of Exchange or Partition.

Application of Monies produced by Sales, &c.

II. All Sums of Money which shall be payable by way of Premium on the granting of any such Lease, and all Rents, Royalties, and other Reservations to be reserved or made payable by any such Lease of any Mines, Minerals, Quarries, or Beds, and all Monies to arise on any such Sale, or to be received on any such Exchange or Partition, shall be paid into the Bank of England to such Account as the said Commissioners shall from Time to Time appoint in that Behalf; or such Monies, or any Part thereof, may, with the Approval of the said Commissioners, be permitted to remain charged by way of Mortgage to the said Commissioners upon the Premises so leased, sold, or conveyed in Exchange or Partition, at such Rate of Interest, for such Period, and upon such Terms as the Parties, with such Approval, may agree upon; and on such Mortgage being discharged

discharged the Money thereby secured shall be paid to such Account as aforesaid; and the Receipt or Certificate of Payment of the Treasurers for the Time being shall be an effectual Discharge for the Money therein expressed to be received or paid; and all such Sums of Money so to arise or be received as aforesaid, after Payment of the Expenses incident to the Transaction in respect of which the same became payable, shall, at such Time or Times as the said Commissioners may think proper, be laid out by them in the Purchase of other Lands, Houses, and Hereditaments convenient to be held by the Corporation in whose Behalf the same shall have been received; and the Lands, Houses, and Hereditaments so to be purchased, and also the Lands, Houses, and Hereditaments which shall be received on any such Exchange or Partition as aforesaid, shall be conveyed and assured in such Form and Manner that the same may become the Property of and be vested in such last-mentioned Ecclesiastical Corporation for ever, and shall be subject to all the same Powers and Provisions as the Hereditaments from the leasing, selling, exchanging, or partitioning of which the Money wherewith the same were purchased would have been subject if no such Lease, Sale, Exchange, or Partition had been made, except so far as is otherwise provided by this Act; the Statute of Mortmain, or any other Act or Rule of Law, to the contrary notwithstanding; and until the Money so to arise or be produced or received as aforesaid shall be laid out in such Purchase, the same shall be invested in the Names of the said Commissioners for the Time being in the Public Stocks or Funds, and the Dividends thereof shall be paid to the Person or Persons to whom the Rents and Profits of the said Hereditaments to be purchased would go or belong in case such Purchase were actually made.

Power to raise Money to be paid for Equality of Exchange or Partition.

III. For the Purpose of raising any Sum or Sums of Money which may be agreed to be paid for Equality of Exchange or Partition, or for the Purchase of any Freehold Land, or of any outstanding Leasehold Interest in Land, belonging to any Ecclesiastical Corporation, over and above the Money then belonging to such Corporation and available for any such Purpose as aforesaid, it shall be lawful for every such Corporation, with such Approval and Consents as aforesaid, to borrow the same upon the Security and to execute a Mortgage or Mortgages of all or any Part or Parts of the Hereditaments belonging to such Corporation, for any Term or Terms of Years, redeemable on Payment of the Principal Sum or Sums so borrowed, with Interest for the same; and the Principal Money so secured may be discharged out of any Principal Monies belonging or accruing to such Corporation under the said recited Act or this Act or otherwise.

Power to enter into and vary Contracts and accept Surrenders.

IV. For all or any of such Purposes as aforesaid, it shall be lawful for every such Ecclesiastical Corporation, with such Approval and Consents as aforesaid, from Time to Time to enter into, make, and execute such Contracts and Agreements, and to grant such Licences or Permissions to search for Mines, and such other Powers preliminary to or consequent upon any such Contract, and also to alter, vary, or rescind the same, and accept Surrenders of any Lease or Leases, and release any Lessee or Lessees in respect of Breaches of Covenant, in such Manner and for such Considerations as to the said Commissioners shall appear advisable; and the Lands with respect to which any Contract shall be abandoned or Surrender taken shall be subject to all the Powers and Provisions of the said recited Act and of this Act; and all Contracts and Agreements so entered into by any Person as aforesaid in his Corporate Capacity shall be binding upon his Successors, and may be enforced against them.

Provision for Payment of Expenses of Leases.

V. Any Ecclesiastical Corporation as aforesaid, with the Approval of the said Commissioners, may charge the Amount of the Expenses to be incurred in carrying into effect any of the Provisions of the said recited Act or of this Act on any Lands, Tenements, or Hereditaments belonging to such Corporation, but so nevertheless that the Charge upon such Lands shall be lessened in every Year following by *One Twentieth* Part at the least of the whole original Charge thereon.

This Act not to interfere with the Act 14 & 15 Vict. c. 104.

VI. Provided always, That no Sale, Exchange, or Partition shall be made under the Provisions of this Act of any Lands or Hereditaments held so as to be capable of being sold, enfranchised, or conveyed in Exchange, according to the Provisions of an Act passed in the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred and four, so long as any of the Powers contained in the said Act for Sale, Enfranchisement, or Exchange shall remain in force with reference to such Lands or Hereditaments.

This Act not to repeal Powers under former Acts.

VII. Provided also, That nothing in this Act contained shall repeal any of the Powers or Authorities vested in the said Commissioners by an Act of the Sixth and Seventh Years of Her Majesty's Reign, intituled "An Act to make better Provision for the Spiritual Care of "populous Parishes," or in any other Act relating to the Ecclesiastical Commissioners for England, with respect to or over Lands, Tithes, Rentscharge, Tenements, and other Hereditaments vested or liable to be vested in them, or to repeal or alter any of the Powers or Authorities contained in any of the Acts now in force for or relating to the Enfranchisement of Copyholds, or in any of the Acts for the Inclosure

Inclosure of Commons or other Lands or Grounds, or in any of the Church Building Acts, so far as any of such Powers or Authorities apply to or affect the Estates of Ecclesiastical Corporations; but the Powers and Authorities contained in this Act shall be considered cumulative or alternative to the Powers and Authorities contained in the said several other Acts herein-before referred to.

On Sale or Purchase of Part of Estate held under a Lease the Rent to be apportioned.

VIII. Upon the Sale or Purchase on behalf of any Ecclesiastical Corporation of the Estate or Interest of any Lessee in a Part only of the Lands comprised in any Lease, whereby the Leasehold Interest in the Land so sold or purchased shall become extinguished in the Reversion, it shall be lawful for the said Commissioners, by a Memorandum in Writing under their Common Seal, which may be endorsed on such Lease, to apportion the Rent reserved thereby, and declare what Part thereof shall continue payable thereunder, and thereupon such apportioned Part of the Rent shall be payable as if the same had been the Rent originally reserved in respect of the Lands not sold or purchased; and such Apportionment shall be valid and binding upon or against all Persons interested in such last-mentioned Lands; and where the Rent originally reserved was an ancient and accustomed Rent, the Part so continuing payable shall be deemed and taken to be the ancient and accustomed Rent for the Lands not sold or purchased, and the Reservations, Covenants, and Agreements contained in such Lease, and the Powers and Authorities of any such Ecclesiastical Corporation, so far as the same shall be applicable to the Lands not sold or purchased, shall remain in full Force as if such Sale or Purchase had not been made.

No Lease to be granted of Land acquired under the Act, except at Rack Rent.

IX. No Lease of any Lands purchased or acquired, or in which the Estate or Interest of a Lessee, or of a Holder of Copyhold or Customary Land, shall be purchased or acquired by any Ecclesiastical Corporation under this Act, shall (except under the express Power contained in the said recited Act of the Fifth and Sixth Years of Her Majesty's Reign, or in this Act,) be made or granted otherwise than from Year to Year, or for a Term of Years in possession, not exceeding *Fourteen* Years, at the best annual Rent that can be reasonably gotten, without Fine, and the Lessee not to be made dispunishable for Waste or exempted from Liability in respect of Waste.

Improved Value of Dignities, Offices, and Benefices to be paid to Commissioners.

X. All the Clauses contained in the said first-recited Act respecting Improvements in the annual Value of any Dignity, Office, or Benefice by means of any Lease granted under that Act shall extend and apply to any Improvement of Income which may accrue by means of any Lease, Sale, Exchange, Partition, Purchase, or Investment to be granted or made under the Provisions of this Act; save and except that with respect to all Improvements of Income which

have accrued or shall accrue to any Benefice under the Provisions of the said recited Act or this Act it shall be lawful, by the Authority in the said recited Act mentioned, and subject to the like Notice being given to the Patron or Patrons of such Benefice as is by the said Act required, at any Time or Times after the Commencement of such Improvement, and notwithstanding the Period of Three Years limited by the said Act may have expired, to direct that from such Time (not operating retrospectively, nor so as to affect the Incumbent in possession at the Time of the granting of any such Lease) as shall be fixed by the said Commissioners such Portion of the improved Income as the said Commissioners shall deem expedient shall be paid to the said Commissioners, to be applied according to the Directions in that Behalf contained in the said Act; and also save and except that the Clause No. XIV. of the said Act entitled in the Margin thereof, "Portion of improved Value under Mining Leases to be paid to "Commissioners," shall be and the same is hereby repealed.

Sect. 18. of 5 & 6 Vict. c. 108. repealed.

XI. The Clause No. XVIII. of the said recited Act, entitled in the Marginal Note "Surveyor to make Valuation, &c. when a new "Lease is intended," shall be and the same is hereby repealed.

Other Clauses not hereby repealed incorporated in this Act.

XII. All the several Clauses and Provisions contained in the said recited Act of the Fifth and Sixth Years of Her Majesty's Reign which are not by this Act expressly or by necessary Implication repealed, so far as the same are applicable, and are not modified by this Act or inconsistent with the Provisions thereof, shall be incorporated with and be construed as forming Part of this Act.

Short Titles.

XIII. In citing the said recited Act of the Fifth and Sixth Years of Her Majesty's Reign, or this Act, in any other Act of Parliament, or in any legal Instrument, it shall be sufficient to use the Expression "The Ecclesiastical Leasing Acts," or "The Ecclesiastical Leasing Act, 1842," or "The Ecclesiastical Leasing Act, 1858," as the Case may be.

Act to extend only to England and Wales, Isle of Man, &c.

XIV. This Act shall extend only to that Part of the United Kingdom called England and Wales, and to the Isle of Man, and to the Islands of Guernsey, Jersey, Alderney, and Sark.

Ecclesiastical Corporations Leasing.

A

B I L L

To amend the Act of the Fifth and Sixth Years of Her present Majesty, for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years.

(*Prepared and brought in by Mr. Secretary Walpole and Mr. Hardy.*)

Ordered, by The House of Commons, *to be Printed*, 5 *May* 1858.

[Bill 77.]

Under 2 *oz.*

A

BILL

TO

Continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.

WHEREAS an Act was passed in the Session holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled "An Act to amend the Law as to Ecclesiastical Jurisdiction in England," by which it was enacted, that certain of the Provisions therein contained should continue until the First Day of August One thousand eight hundred and forty-eight, and, if Parliament were then sitting, until the End of the then Session of Parliament; and by sundry Acts, and ultimately by an Act of the Session holden in the Twentieth Year of Her Majesty (Chapter Ten), the said Provisions were continued until the First Day of August One thousand eight hundred and fifty-seven, and to the End of the then next Session of Parliament: And whereas since the passing of the last-mentioned Act such of the said Provisions as relate to Matters Testamentary and the Administration of the Personal Estates of Intestates have been repealed: And whereas it is expedient that such of the said Provisions as have not been repealed should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That such of the said

Preamble.

10 & 11 Vict. c. 98.

said Provisions of the said Act of the Tenth and Eleventh Years of Her Majesty as were continued by the said Act of the Twentieth Year of Her Majesty and have not been since repealed, shall continue until the *First Day of August One thousand eight hundred and fifty-nine, and to the End of the then next Session of Parliament.*

Ecclesiastical Jurisdiction Continuance.

A

BILL

To continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.

(*Prepared and brought in by Mr. Hardy and Mr. Secretary Walpole.*)

Ordered, by The House of Commons, *to be Printed,* 12 *July* 1858.

[Bill 198.]

Under 1 *oz.*

Ecclesiastical Residences (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

The Act 14 & 15 Vict. c. 73. to be amended; Sect. 1.
Architect's Plan to accompany Memorial; 2.
Materials to be used in Ecclesiastical Residences; 3.
Diminution of Building Charges by Lapse of Time; 4.
Costs of Repairs and Restorations distributed; 5.
Order on Sequestrator of Benefice to pay Cost of Repairs; 6.
Sequestrations in case of vacating Incumbents; 7.
Expenditure of Money awarded for Repairs; 8.
Vesting in Securities Money awarded for prospective Repairs; 9.
Repeal of Section Thirty of original Act; 10.
Condemnation of Houses not to be on Report of Rural Dean and Architect; 11.
Condemnation of Houses in certain Cases without Restoration; 12.
Provisions of Section Thirty-seven extended to Twenty Acres; 13.
Provisions of Sections Forty and Forty-one extended to Twenty Acres; 14.
Provisions of Sections Forty to Forty-four extended to Residences of Bishops and Dignitaries; 15.
Provisions of Section Fifty-five amended; 16.

(Ireland.)

A

BILL

FURTHER

To amend the Law relating to Ecclesiastical Residences in Ireland.

WHEREAS it is expedient further to amend the Laws relating to the building, purchasing, and maintaining Ecclesiastical Residences in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Provisions of the Act of the Fourteenth and Fifteenth Years of the Queen, and Chapter Seventy-three, (herein-after described as the original Act,) shall be amended and altered by this amending Act as herein-after provided: The Act 14 & 15 Vict. c. 73. to be amended.

The Expressions "Architect" and "competent Architect," when used in the original Act and in this amending Act, shall, when consistent with the Context, comprehend a Builder approved of by the Person or Persons empowered to entertain Memorials.

II. Sections Three and Seventeen of the original Act shall be amended as follows; that is to say, the Person or Persons empowered to entertain Memorials may require that each or any Memorial shall be accompanied by an Architect's Plan and Specification of the proposed Architect's Plan to accompany Memorial, and to be examined

before Memorial approved.

proposed Buildings or Improvements, and, if he or they shall so think fit, shall submit such Memorial and Plan and Specification to the Diocesan Architect, or to some other competent Architect, who shall report as to the Necessity and Fitness of such Buildings or Improvements, and their Suitability to the Income and other Circumstances of the Benefice or Preferment, and as to the Propriety of the Plan and Specifications; and such Architect shall for such Purpose have Liberty to enter on the Premises, and personally to examine them, and shall receive such reasonable Remuneration as the Person appointing him shall determine, to be paid by the Person presenting the Memorial; and the Sum so paid may, in case the Memorial is approved and the Works executed, be included in the Sum certified as recoverable from the Successors in respect of such Works.

Materials to be used in Ecclesiastical Residences.

III. In lieu and stead of the following Provision contained in Section Four of the original Act, that is to say, "Provided always, "that no Certificate shall be given in respect of any House or "Buildings to be erected as aforesaid, unless the same shall be "made of Stone and Lime, or Brick and Lime, and timbered in the "Roof and in the Floors of such Building or Dwelling House, "except the Basement Story, with Oak, Larch, or Fir Timber "(Bog Oak and Fir, if of Home Growth, and American Deal "Timber, excepted), and covered with Slates, Tiles, or with Lead, "and leaded in the Gutters and Valleys, and be reported by the "Commissioners as aforesaid as built in a substantial and permanent "Manner, and as suitable for the Residence of such Ecclesiastical "Person and his Successors," shall be substituted the following amended Enactment: "Provided, that no Certificate shall, after the "*First Day of September One thousand eight hundred and fifty-*"*eight*, be given in respect of any House or Buildings, unless the "Walls of such House or Buildings have been constructed of Stone "and Lime, or Brick and Lime, and unless all the principal or "bearing Timbers thereof, as well in the Roof as in the Floors "(in case the Floors are of Wood), shall be of Oak or of Larch "or other Fir Timber (Bog Oak, Home-grown Fir, and American "White Fir and White Pine, excepted), and covered with Slates, "Tiles, or with Lead, and leaded in the Gutters and Valleys, and "be reported by the Commissioners as built in a substantial and per-"manent Manner, and as suitable for the Residence of such Eccle-"siastical Person and his Successors;" but the Provision of the original Act herein-before recited shall nevertheless continue in force in regard to all Certificates which shall have been granted before the said *First Day of September One thousand eight hundred and fifty-eight.*

IV. Section

Diminution of Building Charges by Lapse of Time.

IV. Section Eight of the original Act shall be amended as follows; that is to say, Every Charge obtained by or on behalf of any Ecclesiastical Person after the passing of this amending Act, or obtained before the passing of it, by an Incumbent who shall not have vacated the Benefice or Preferment when this amending Act shall have come into operation, or any such Charge which shall have devolved on any existing or future Incumbent, shall be subject to the following fixed Decline or Reduction in respect of Lapse of Time; namely, in the case of a building or Purchase of a new House or Offices, a Decline at the Rate of *One Pound Thirteen Shillings and Fourpence;* and in all other Cases of *Two Pounds Ten Shillings*, for One hundred Pounds for One Year; but such Decline in respect of an existing or future Incumbent who has or shall have obtained the Certificate, and the Representatives of such Incumbent, shall not commence until, in the Case of a Purchase or building of a new House or Offices, after the Expiration of *Seven* Years, and in all other Cases after the Expiration of *Three* Years from the Date of the Completion of the Purchase or Buildings or Works, or in case of undue Delay from such other Time as the Person or Persons granting the Certificate shall declare to have been the proper Time when the same might and ought to have been completed; but the other Provisions of the original Act not altered by this Act shall apply to such Charge as if they had been repeated here.

Costs of Repairs and Restorations distributed.

V. The Provisions of Section Twenty-seven of the original Act, as regards the several Classes of Repairs and Restorations, and the Persons at whose Expense they shall be effected, shall be explained as follows; that is to say,

Annual and ordinary Repairs.

Firstly, Repairs of an annual or ordinary Character are to be executed at the Expense of the occupying Incumbent; and the Neglect thereof to be chargeable against the vacating Incumbent:

Permanent Repairs presently necessary.

Secondly, Repairs and Restorations of a permanent and substantial Nature, and presently necessary,

(a) When occasioned by the wilful Act or Default of the Incumbent vacating, are to be executed at his Expense:

(b) When not occasioned by the wilful Act or Default of the Incumbent vacating, are to be executed by way of Charge, in so far as the Circumstances of the See, Benefice, or Preferment in respect to existing Charges will admit thereof:

(c) In so far as they cannot be effected by way of Charge, they shall be effected at the Expense of the Incumbent vacating:

(d) In case they might have been executed at an earlier Period, wholly or in part by way of Charge, and have been delayed without proper Cause, they are to be executed

executed at the Expense of the vacating Incumbent; but he shall be entitled to a Charge in respect of them, in whole or in part, for such an Amount as the Works might have been effected for at the Time when they should have been executed, or so much thereof as was then chargeable on the See, Benefice, or Preferment, reduced by the proper annual Deduction in respect of Lapse of Time computed from the Period when they should have been so executed; and no Allowance shall be made for the Cost of any additional or more extensive Works which have been occasioned by the Delay:

Prospective Repairs.

Thirdly, Repairs and Restorations of a permanent and substantial Nature, the Execution of which may be properly deferred to a future Period exceeding *Ten* Years,

(a) When occasioned by the wilful Act or Default of the Incumbent vacating, are to be executed at his Expense:

(b) When not occasioned by the wilful Act or Default of the Incumbent vacating, they are to be executed by way of Charge, in so far as the actual Circumstances of the Benefice at the Time estimated for the Execution of the Works will admit thereof:

(c) In so far as they cannot be effected by way of Charge, they are to be effected at the joint Expense of the vacating and incoming Incumbent or Incumbents, from the Time of the probable Inception of the Decay to the Time of the probable Consummation, in proportion to the Extent of their respective Incumbencies:

(d) In case the Contribution of the vacating Incumbent to any Repairs or Restorations under this Head shall exceed the Sum of One hundred Pounds, the Sum to be paid by him shall be such an Amount as, with its Accumulations of Simple Interest at the Rate of *Three Pounds* for One hundred Pounds for One Year, may produce the required Amount at the Time estimated for the Execution of the Works:

Repairs which cannot be done by Charge.

Fourthly, the vacating Incumbent shall be liable in respect of all Repairs and Restorations presently necessary which cannot be effected by way of Charge:

Case of an existing Incumbent.

Fifthly, the preceding Four Heads of this Section shall apply, mutatis mutandis, to the Case of an existing Incumbent, so as to impose and confer the same Rights, Duties, and Liabilities on him as if he were a vacating Incumbent:

What Buildings, &c. are included.

Sixthly, the Provisions of Section Twenty-seven of the original Act apply to all Buildings and Erections, of whatever Nature, on the

the Demesne, Mensal, or Glebe Lands, not theretofore lawfully removed, and not being Fixtures lawfully removable, and for the Damage consequent on the Removal of which due Provision has been made, and not being Fixtures or Buildings which, though not legally removable, are adjudged by the Person or Persons authorized to entertain Memorials to be Matters of Ornament, Fancy, or special Convenience, and unnecessary for the convenient Residence of the Successor, and not being on Lands or Tenements lawfully in the Occupation of Tenants under the Incumbent, and they apply to all Fences, internal as well as external:

What is inevitable Accident and wilful Default.

Seventhly, the Expression "inevitable Accident," as employed in the Twenty-seventh Section of the original Act, shall comprehend Casualties arising from accidental Fire, Flood, Tempest, Lightning, and Acts of the Queen's Enemies; and the Expression "and without wilful Default" shall be interpreted "or without wilful Default;" and wilful Default is not attributed in respect of Dilapidations occasioned by original Defects of Construction, or by mere Wear and Tear of Time, or by Destruction of Timber by Dry Rot or Worms, which could not be prevented or arrested by timely and reasonable Care, such as a prudent Owner might exercise in respect of his Property:

Certificate of Charge.

Eighthly, the Expression "Certificate of Charge," as employed in the Twenty-seventh Section of the original Act, shall comprehend and include a Certificate of Allowance.

Order on prior Sequestration to apply Profits to Repairs.

VI. In case the Profits of the See, Benefice, or Preferment of the Ecclesiastical Person neglecting to execute such Repairs or Works as may be directed under the Provisions of Section Twenty-seven of the original Act shall be already under Sequestration, it shall be lawful for the Person or Persons empowered to entertain Memorials to order the Sequestrator to pay over to his or their Nominee in that Behalf a sufficient Portion of the said Profits, until a Sum sufficient to answer the Purposes of the Repairs and the Costs of the Commission and Monition shall have been received, and such Profits shall be applied and expended as in the said Section directed.

Sequestrations against vacating Incumbents.

VII. The Provisions of Section Twenty-eight of the original Act respecting Sequestrations and Orders on Sequestrators, of the Profits of any Benefice or Preferment, apply to the Case of any Ecclesiastical Person as well as to the Case of an Archbishop or Bishop.

Expenditure of Money awarded for Repairs.

VIII. The Provisions of Section Twenty-nine of the original Act shall be explained as follows; that is to say, The Person or Persons authorized to entertain Memorials, may, in his or their Confirmation

of a Report respecting Delapidations, or at any subsequent Time, allow the entire or any Part of the Money awarded in respect of such Dilapidations to be expended in any suitable Manner connected with the Repair or the Improvement of the House, Offices, or Premises, as if it were the particular Matter in respect of which the Money was awarded, and may, if he so thinks fit, require a Memorial, with a Plan and Specification of such Works or Improvements, to be submitted for his Approval.

Vesting Money in Securities awarded for prospective Repairs.

IX. Section Twenty-nine of the original Act shall be further explained as follows; that is to say, the Amount recovered or deducted in respect of Dilapidations or Waste, and awarded for the effecting of prospective Repairs (if any), shall be vested in Securities in the joint Names of Two Trustees, to be agreed on or to be nominated by the Person or Persons granting the Certificate of Allowance, until the Expiration of the Term assigned, at which Time the said Sum, with its Accumulations of Interest, or a sufficient Portion thereof, shall be handed over to the Incumbent for the Time being, or where the Benefice is under Sequestration to the Nominee of the Archbishop or Bishop, to be by him expended in conformity with the Report or Directions of the Person or Persons deciding thereon, or in such other suitable Manner as the Archbishop or Bishop shall direct; and in case the said Sum and Interest shall be more than sufficient to effect such Repairs, the Surplus may be expended on other necessary Improvements on the House or Offices, to be approved of by the Person or Persons authorized to entertain Memorials in respect thereof, or shall be returned to the Hands of the Trustees until Occasion shall require its Application; but it shall be lawful for the Person or Persons authorized as aforesaid to direct the Trustees to pay over the Money at any earlier Period than that named in the Report or Directions, for the Purpose of effecting the Works at an earlier Period, if necessary, and to make such Arrangements or Alterations for the Management and Custody of the Money and for the Change of Trustees as he or they shall find to be necessary.

Repeal of Section Thirty.

X. The Provisions of Section Thirty of the original Act are hereby repealed, except as regards Acts done or Proceedings commenced or taken before the *First Day of September One thousand eight hundred and fifty-eight*, all which Acts done shall be as valid, and all Rights and Remedies acquired shall remain in full Force, and all Proceedings commenced or taken shall be prosecuted and concluded, as if this Repeal had not been enacted.

XI. The

Condemnation of Houses not to be on Report of Rural Dean.

XI. The Provisions of Section Thirty-one of the original Act shall be amended as follows: No Condemnation of a Residence or Offices shall be had on the Report of the Rural Dean and Diocesan Architect.

Condemnation of Houses in certain Cases without Restoration.

XII. The Provisions of Section Thirty-one of the original Act shall be explained as follows; that is to say, a Residence or Offices too ancient and decayed to be restored, or wholly or in part unnecessary or unsuitable, may be condemned without requiring or directing a new House of Residence or Building to be purchased or erected in its or their Stead, in case the Person or Persons issuing the Commission shall find that the Income of the Benefice or Curacy is such that the Incumbent could not otherwise be compelled to erect or purchase a new House of Residence, or in case, from the Circumstances of the Benefice as to Income or local Position, it would not be expedient to require that a House of Residence should be maintained at the present Time.

Provisions of Section Thirty-seven extended.

XIII. The Provisions of Section Thirty-seven of the original Act shall apply to the Case of a Rector or Vicar or other Incumbent of a Benefice, Parochial Chapelry, or Perpetual Curacy not having more than *Twenty* Acres of Glebe Land belonging to his Benefice, Chapelry, or Curacy.

Provisions of Sections Forty and Forty-seven extended.

XIV. The Provisions of Sections Forty and Forty-seven of the original Act shall be amended, so far as to enable the Sale or Exchange, Grant or Demise of Lands to the Extent of *Twenty* Acres, pursuant to the Provisions contained in the said Sections respectively.

Provisions of Sections Forty to Forty-four extended to Residences of Bishops, &c.

XV. The Provisions of Sections Forty, Forty-one, Forty-two, Forty-three, and Forty-four of the original Act shall be amended so far as to confer on the Person or Persons and Corporations Sole and Aggregate therein described as Owners a Power to exchange and sell any House, Offices, Buildings, Lands, or Tenements situate in or adjacent to any City or Town, and suitable and convenient for the Residence of any Archbishop, Bishop, Dean, or other Dignitary, to and with the Ecclesiastical Person requiring the same, as in the Case of Houses or Lands suitable for the Residence of a Rector of a Parish; and the Person or Persons empowered to entertain Memorials in respect of such proposed Buildings, Purchase, or Exchange shall have the like Power to issue Precepts to the Sheriff or Coroner to summon a Jury to ascertain the Value thereof, and the like Proceedings shall be had and taken thereon, as in

case of a Purchase or Exchange of Premises intended for Glebe; and the House or Premises so purchased or taken in Exchange shall be deemed to be the House of Residence, Offices, Demesne or Mensal Lands of the Ecclesiastical Person so purchasing or taking them in Exchange, and of his Successors; and the former Ecclesiastical Residence, Offices, or Lands so given in Exchange shall be subject to the like Uses and Trusts, Powers and Conditions, Charges and Incumbrances, as the Lands taken in Exchange were settled upon or subject to, and the Purchase Money shall be applied and disposed of as in the Manner directed in respect of the Purchase Money of Glebe Lands.

Provisions of Section Fifty-five amended.

XVI. The Provisions of Section Fifty-five of the original Act shall be amended as follows; that is to say, that it shall be lawful for such Archbishop or Bishop to demise the remaining Portion of all such disappropriated Demesne Lands as do lie within any Town Corporate or Market Town or within Half a Mile thereof, for any Term not exceeding Ninety-nine Years in possession, and all the Residue of such Lands for such Term of Years as by the Laws for the Time being in force he is empowered to demise other Lands belonging to his said See.

Ecclesiastical Residences (Ireland).

A

BILL

Further to amend the Law relating to Ecclesiastical Residences in Ireland.

(*Prepared and brought in by Mr. Napier and Mr. George Alexander Hamilton.*)

Ordered, by The House of Commons, *to be Printed,* 10 *February* 1858.

[Bill 16.]

Under 1 *oz.*

Ecclesiastical Residences (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

The Act 14 & 15 Vict. c. 73. to be amended; Sect. 1.
Architect's Plan to accompany Memorial; 2.
Materials to be used in Ecclesiastical Residences; 3.
Diminution of Building Charges by Lapse of Time.—Like Diminution of Charges obtained before the original Act; 4.
Costs of Repairs and Restorations distributed; 5.
Order on Sequestrator of Benefice to pay Cost of Repairs; 6.
Sequestrations in case of vacating Incumbents; 7.
Expenditure of Money awarded for Repairs; 8.
Vesting in Securities Money awarded for prospective Repairs; 9.
Repeal of Section Thirty of original Act; 10.
Condemnation of Houses not to be on Report of Rural Dean and Architect; 11.
Condemnation of Houses in certain Cases without Restoration; 12.
Provisions of Section Thirty-seven extended to Thirty Acres; 13.
Provisions of Sections Forty and Forty-one extended to Thirty Acres; 14.
Provisions of Sections Forty to Forty-four and Forty-seven extended to Residences of Bishops and Dignitaries; 15.
Provisions of Section Fifty-five amended; 16.

(Ireland.)

A

BILL

[AS AMENDED IN COMMITTEE]

FURTHER

To amend the Law relating to Ecclesiastical Residences in Ireland.

WHEREAS it is expedient further to amend the Laws relating to the building, purchasing, and maintaining Ecclesiastical Residences in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Provisions of the Act of the Fourteenth and Fifteenth Years of the Queen, and Chapter Seventy-three, (herein-after described as the original Act,) shall be amended and altered by this amending Act as herein-after provided: The Act 14 & 15 Vict. c. 73. to be amended.

The Expressions "Architect" and "competent Architect," when used in the original Act and in this amending Act, shall, when consistent with the Context, comprehend a Builder approved of by the Person or Persons empowered to entertain Memorials.

II. Sections Two and Seventeen of the original Act shall be amended as follows; that is to say, the Person or Persons empowered to entertain Memorials may require that each or any Memorial shall be accompanied by an Architect's Plan and Specification of the proposed Architect's Plan to accompany Memorial, and to be examined

before Memorial approved.

proposed Buildings or Improvements, and, if he or they shall so think fit, shall submit such Memorial and Plan and Specification to the Diocesan Architect, or to some other competent Architect, who shall report as to the Necessity and Fitness of such Buildings or Improvements, and their Suitability to the Income and other Circumstances of the Benefice or Preferment, and as to the Propriety of the Plan and Specifications; and such Architect shall for such Purpose have Liberty to enter on the Premises, and personally to examine them, and shall receive such reasonable Remuneration as the Person appointing him shall determine, to be paid by the Person presenting the Memorial; and the Sum so paid may, in case the Memorial is approved and the Works are executed, be included in the Sum certified as recoverable from the Successors in respect of such Works.

Materials to be used in Ecclesiastical Residences.

III. In lieu and stead of the following Provision contained in Section Four of the original Act, that is to say, "Provided always, "that no Certificate shall be given in respect of any House or "Buildings to be erected as aforesaid, unless the same shall be "made of Stone and Lime, or Brick and Lime, and timbered in the "Roof and in the Floors of such Building or Dwelling House, "except the Basement Story, with Oak, Larch, or Fir Timber "(Bog Oak and Fir, if of Home Growth, and American Deal "Timber, excepted), and covered with Slates, Tiles, or with Lead, "and leaded in the Gutters and Valleys, and be reported by the "Commissioners as aforesaid as built in a substantial and permanent "Manner, and as suitable for the Residence of such Ecclesiastical "Person and his Successors," shall be substituted the following amended Enactment: "Provided, that no Certificate shall, after the "*First Day of September One thousand eight hundred and fifty-*"*eight*, be given in respect of any Mansion House or Buildings "forming Part of the principal or Mansion House, unless the Walls "of such House or Buildings have been constructed of Stone and "Lime, or Brick and Lime, and unless all the principal or "bearing Timbers thereof, as well in the Roof as in the Floors, "and all Window Frames and Sashes and external Doors thereof, "shall be of Oak or of Larch or other Fir Timber (Bog Oak, "Home-grown Fir, and American White and Yellow Fir and Pine, "excepted), and covered with Slates, Tiles, or with Lead, and "leaded in the Gutters and Valleys, and be reported by the "Commissioners as built in a substantial and permanent Manner, "and as suitable for the Residence of such Ecclesiastical Person "and his Successors;" but the Provision of the original Act herein-before recited shall nevertheless continue in force in regard to all Certificates which shall have been granted before the said

First

First Day of September One thousand eight hundred and fifty-eight.

IV. Section Eight of the original Act shall be amended as follows; that is to say, Every Charge obtained by or on behalf of any Ecclesiastical Person after the passing of this amending Act, or obtained before the passing of it under the original Act, by an Incumbent who shall not have vacated the Benefice or Preferment when this amending Act shall have come into operation, and any such Charge which shall have devolved on any existing or future Incumbent, shall be subject to the following fixed Decline or Reduction in respect of Lapse of Time; namely, in the case of a building or Purchase of a new House or Offices, a Decline at the Rate of *One Pound Thirteen Shillings and Fourpence;* and in all other Cases of *Two Pounds Ten Shillings*, for One hundred Pounds for One Year; but such Decline in respect of an existing or future Incumbent who has or shall have obtained the Certificate, and the Representatives of such Incumbent, shall not commence until, in the Case of a Purchase or building of a new House or Offices, after the Expiration of *Seven* Years, and in all other Cases after the Expiration of *Three* Years from the Date of the Approval of the Memorial; but the other Provisions of the original Act not altered by this Act shall apply to such Charge as if they had been repeated here. Every Charge obtained under the Acts in force before the passing of the original Act or any of them, and subsisting in whole or in part on the Day when this amending Act shall come into operation, shall, from and after the Commencement of the next following Incumbency of the See, Benefice, or other Preferment upon which the Charge is made, become subject to a like annual Decline or Reduction in respect of Lapse of Time as if the Charge had been obtained under the original Act, and the Incumbent or his Successor who shall have paid or allowed any such Charge or any Portion thereof shall be entitled to recover from his Successor the full Amount so paid or allowed by him, reduced by the same annual Reduction on the original Charge in respect of Lapse of Time from the Commencement of his Incumbency as if the Charge had been obtained under the original Act.

Diminution of Building Charges by Lapse of Time.

Like Diminution of Charges obtained before the original Act.

V. The Provisions of Section Twenty-seven of the original Act, as regards the several Classes of Repairs and Restorations, and the Persons at whose Expense they shall be effected, shall be explained as follows; that is to say,

Costs of Repairs and Restorations distributed.

Firstly, Repairs of an annual or ordinary Character are to be executed at the Expense of the occupying Incumbent, and to be chargeable against him when a vacating Incumbent:

Annual and ordinary Repairs.

Permanent Repairs presently necessary.

Secondly, Repairs and Restorations of a permanent and substantial Nature, and presently necessary,

(a) When occasioned by the wilful Act or Default of the Incumbent vacating, are to be executed at his Expense:

(b) When not occasioned by the wilful Act or Default of the Incumbent vacating, are to be executed by way of Charge, in so far as the Circumstances of the See, Benefice, or Preferment in respect to existing Charges will admit thereof:

(c) In so far as they cannot be effected by way of Charge, they shall be effected at the Expense of the Incumbent vacating:

(d) In case they might have been executed at an earlier Period, wholly or in part by way of Charge, and have been delayed without proper Cause, they are to be executed at the Expense of the vacating Incumbent; but he shall, should the Circumstances of the Benefice admit thereof, be entitled to a Charge or Deduction in respect of them, in whole or in part, to such an Amount as the Works might have been effected for at the Time when they should have been executed, or so much thereof as was then chargeable on the See, Benefice, or Preferment, reduced by the proper annual Deduction in respect of Lapse of Time computed from the Period when they should have been so executed; and no Allowance shall be made to the Person in default for the Cost of any additional or more extensive Works which have been made necessary by the Delay:

Prospective Repairs.

Thirdly, Repairs and Restorations of a permanent and substantial Nature, the Execution of which may be properly deferred to a future Period amounting to *Ten* Years,

(a) When rendered necessary by the wilful Act or Default of the Incumbent vacating, are to be executed at his Expense:

(b) When not rendered necessary by the wilful Act or Default of the Incumbent vacating, they are to be executed by way of Charge, in so far as the actual Circumstances of the Benefice at the Time estimated for the Execution of the Works will admit thereof:

(c) In so far as the Class of Works included in Paragraph (b) cannot be effected by way of Charge, they are to be effected at the joint Expense of the vacating and incoming Incumbent or Incumbents, in proportion to the Extent of their respective Incumbencies, from the

the Time of the probable Inception of the Decay to the Time of the probable Consummation:

(d) In case the Contribution of the vacating Incumbent to any Repairs or Restorations under this Head shall exceed the Sum of One hundred Pounds, the Sum to be paid by him shall be such an Amount as, with its Accumulations of Simple Interest at the Rate of *Three Pounds* for One hundred Pounds for One Year, may produce the required Amount at the Time estimated for the Execution of the Works:

Repairs which cannot be done by Charge.

Fourthly, the vacating Incumbent shall be liable in respect of all Repairs and Restorations presently necessary which cannot be effected by way of Charge:

Case of an existing Incumbent.

Fifthly, the preceding Four Heads of this Section shall apply, mutatis mutandis, to the Case of an existing Incumbent, so as to impose and confer the same Rights, Duties, and Liabilities on him as if he were a vacating Incumbent:

What Buildings, &c. are included.

Sixthly, the Provisions of Section Twenty-seven of the original Act apply to all Buildings and Erections, of whatever Nature, on the Demesne, Mensal, or Glebe Lands, not theretofore lawfully removed, and not being Fixtures lawfully removable, and for the Damage consequent on the Removal of which due Provision has been made, and not being Fixtures or Buildings which, though not legally removable, are adjudged by the Person or Persons authorized to entertain Memorials to be Matters of Ornament, Fancy, or special Convenience, and not necessary for the convenient Residence or intended for the Accommodation or Use of the Successor, and not being on Lands or Tenements lawfully in the Occupation of Tenants under the Incumbent; and they apply to all Fences, internal as well as external, provided that in their original Construction they were of a substantial and permanent Character.

What is inevitable Accident and wilful Default.

Seventhly, the Expression "inevitable Accident," as employed in the Twenty-seventh Section of the original Act, shall comprehend Casualties arising from accidental Fire, Flood, Tempest, Lightning, and Acts of the Queen's Enemies, over and above the Amount covered by legal Insurance against Fire; and the Expression "and without wilful Default" shall be interpreted "or without wilful Default;" and wilful Default is not attributed in respect of Dilapidations occasioned by original Defects of Construction, or by mere Wear and Tear of Time, or by Destruction of Timber by Dry Rot or Worms, which could not be prevented or arrested by timely and reasonable Care, such as a prudent Owner might exercise in respect of his Property:

Certificate of Charge.

Eighthly, the Expression "Certificate of Charge," as employed in the Twenty-seventh Section of the original Act, shall comprehend and include a Certificate of Allowance or of Dilapidations.

Order on prior Sequestration to apply Profits to Repairs.

VI. In case the Profits of the See, Benefice, or Preferment of the Ecclesiastical Person neglecting to execute such Repairs or Works as may be directed under the Provisions of Section Twenty-seven of the original Act shall be already under Sequestration, it shall be lawful for the Person or Persons empowered to entertain Memorials to order the Sequestrator to pay over to his or their Nominee in that Behalf a sufficient Portion of the said Profits, until a Sum sufficient to answer the Purposes of the Repairs and the Costs of the Commission and Monition shall have been received, and such Profits shall be applied and expended as in the said Section directed.

Sequestrations against vacating Incumbents.

VII. The Provisions of Section Twenty-eight of the original Act respecting Sequestrations and Orders on Sequestrators, of the Profits of any Benefice or Preferment, apply to the Case of any Ecclesiastical Person as well as to the Case of an Archbishop or Bishop.

Expenditure of Money awarded for Repairs.

VIII. The Provisions of Section Twenty-nine of the original Act shall be explained as follows; that is to say, The Person or Persons authorized to entertain Memorials, may, in his or their Confirmation of a Report respecting Delapidations, or at any subsequent Time, allow the entire or any Part of the Money awarded in respect of such Dilapidations to be expended in any suitable Manner connected with the Repair or the Improvement of the House, Offices, or Premises, as if it were the particular Matter in respect of which the Money was awarded, and may, if he so thinks fit, require a Memorial, with a Plan and Specification of such Works or Improvements, to be submitted for his Approval.

Vesting Money in Securities awarded for prospective Repairs.

IX. Section Twenty-nine of the original Act shall be further explained as follows; that is to say, the Amount recovered or deducted in respect of Dilapidations or Waste, and awarded for the effecting of prospective Repairs (if any), shall be vested in Securities in the joint Names of Two or more Trustees, to be nominated by the Person or Persons granting the Certificate of Allowance, until the Expiration of the Term assigned, at which Time the said Sum, with its Accumulations of Interest, or a sufficient Portion thereof, shall be handed over to the Incumbent for the Time being, or where the Benefice is under Sequestration to the Nominee of the Archbishop or Bishop, to be by him expended in conformity with the Report or Directions of the Person or Persons deciding thereon, or in such other suitable Manner as the Archbishop or Bishop

Bishop shall direct; and in case the said Sum and Interest shall be more than sufficient to effect such Repairs, the Surplus may be expended on other necessary Improvements on the House or Offices, to be approved of by the Person or Persons authorized to entertain Memorials in respect thereof, or shall be returned to the Hands of the Trustees until Occasion shall require its Application; but it shall be lawful for the Person or Persons authorized as aforesaid to direct the Trustees to pay over the Money at any earlier Period than that named in the Report or Directions, for the Purpose of effecting the Works at an earlier Period, if necessary, and to make such Arrangements or Alterations for the Management and Custody of the Money and for the Change of Trustees as he or they shall find to be necessary.

Repeal of Section Thirty.

X. The Provisions of Section Thirty of the original Act are hereby repealed, except as regards Acts done or Proceedings commenced or taken before the *First Day of September One thousand eight hundred and fifty-eight*, all which Acts done shall be as valid, and all Rights and Remedies acquired shall remain in full Force, and all Proceedings commenced or taken shall be prosecuted and concluded, as if this Repeal had not been enacted.

Condemnation of Houses not to be on Report of Rural Dean.

XI. The Provisions of Section Thirty-one of the original Act shall be amended as follows: No Condemnation of a Residence or Offices shall be had on the Report of the Rural Dean and Diocesan Architect.

Condemnation of Houses in certain Cases without Restoration.

XII. The Provisions of Section Thirty-one of the original Act shall be explained as follows; that is to say, a Residence or Offices too ancient and decayed to be restored, or wholly or in part unnecessary or unsuitable, may be condemned without requiring or directing a new House of Residence or Building to be purchased or erected in its or their Stead, in case the Person or Persons issuing the Commission shall find that the Income of the Benefice or Curacy is such that the Incumbent could not otherwise be compelled to erect or purchase a new House of Residence, or in case, from the Circumstances of the Benefice as to Income or local Position, it would not be expedient to require that a House of Residence should be maintained at the then present Time.

Provisions of Section Thirty-seven extended.

XIII. The Provisions of Section Thirty-seven of the original Act shall apply to the Case of a Rector or Vicar or other Incumbent of a Benefice, Parochial Chapelry, or Perpetual Curacy not having more than *Thirty* Acres of Glebe Land belonging to his Benefice, Chapelry, or Curacy.

Provisions of Sections Forty and Forty-seven extended.

XIV. The Provisions of Sections Forty and Forty-seven of the original Act shall be amended, so far as to enable the Sale or Exchange, Grant or Demise of Lands to the Extent of *Thirty* Acres, pursuant to the Provisions contained in the said Sections respectively.

Provisions of Sections Forty to Forty-four and Forty-seven extended to Residences of Bishops, &c.

XV. The Provisions of Sections Forty, Forty-one, Forty-two, Forty-three, Forty-four, and Forty-seven of the original Act shall be amended so far as to confer on the Person or Persons and Corporations Sole and Aggregate therein described a Power to exchange and sell and demise any House, Offices, Buildings, Lands, or Tenements situate in or adjacent to any City or Town, and suitable and convenient for the Residence, Offices, or Mensal Lands of any Archbishop, Bishop, Dean, or other Dignitary, to and with the Ecclesiastical Person requiring the same, as in the Case of Houses or Lands suitable for the Residence, Offices, or Glebe of a Rector of a Parish; and the Person or Persons empowered to entertain Memorials in respect of such proposed Purchase or Exchange shall have the like Power to issue Precepts to the Sheriff or Coroner to summon a Jury to ascertain the Value thereof, and the like Proceedings shall be had and taken thereon, as in case of a Purchase or Exchange of Premises intended for Glebe, and in case of any Grant or Demise at a Rent shall reserve such yearly Rent, and insert such Covenants and Agreements, as shall be agreed upon with the Consent of the Person or Persons who would be entitled to entertain Memorials in case of a Purchase or Exchange, and to be signified in the Manner presented by the said Section; and the House or Premises so purchased or taken in Exchange or on Lease shall be deemed to be the House of Residence, Offices, Demesne or Mensal Lands of the Ecclesiastical Person so purchasing or taking them in Exchange or on Lease, and of his Successors, during the Continuance of the Grant, Exchange, or Lease; and the former Ecclesiastical Residence, Offices, or Lands so given in Exchange shall be subject to the like Uses and Trusts, Powers and Conditions, Charges and Incumbrances, as the Lands taken in Exchange were settled upon or subject to, and the Purchase Money shall be applied and disposed of as in the Manner directed in respect of the Purchase Money of Glebe Lands.

Provisions of Section Fifty-five amended.

XVI. The Provisions of Section Fifty-five of the original Act shall be amended as follows; that is to say, that it shall be lawful for such Archbishop or Bishop to demise the remaining Portion of all such disappropriated Demesne Lands as do lie within any Town Corporate or Market Town or within Half a Mile thereof, for any Term not exceeding Ninety-nine Years in possession, and all the Residue of such Lands for such Term of Years as by the Laws for the Time being in force he is empowered to demise other Lands belonging to his said See.

Ecclesiastical Residences (Ireland).

A

BILL

[AS AMENDED IN COMMITTEE]

Further to amend the Law relating to Ecclesiastical Residences in Ireland.

(*Prepared and brought in by Mr. Napier and Mr. George Alexander Hamilton.*)

Ordered, by The House of Commons, *to be Printed,* 5 *May* 1858.

[Bill 78.]

Under 1 *oz.*

A

BILL

TO

Abolish the Ministers' Money or Annuity Tax levied within the City of Edinburgh, Parish of Canongate, and Burgh of Montrose, as Vacancies occur among the present Ministers, and to make Provision for their Successors.

WHEREAS it is expedient that the Annuity Tax as at present levied within the City of Edinburgh and Parish of Canongate, for behoof of the Ministers thereof, respectively, and within the Burgh of Montrose, for behoof of the Second Minister thereof, should be abolished as Vacancies in the Charges occur by Death, Demission, or otherwise among the present Ministers respectively, and that Provision should otherwise be made for their Successors in Office: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From Time to Time as Vacancies occur by Death, Demission, or otherwise among the Ministers at present holding the Eighteen Charges in the City of Edinburgh, or among the Ministers at present holding the Two Charges in the Parish of Canongate, or of the Minister Successors of present Ministers to have no Claim on Annuity Tax.

Minister at present holding the Second Charge in the Burgh of Montrose, the Successors in Office of such Ministers respectively shall have no Claim to any Share of the Annuity Tax at present levied as aforesaid.

Annuity Tax as heretofore levied to cease on Occurrence of Vacancy among the present Ministers.

II. From and after the First Term of *Whitsunday* following each such Vacancy among the Ministers at present holding the Eighteen Charges of the City of Edinburgh, *One Eighteenth* Part of the Rate of the Annuity Tax now leviable within the ancient and extended Royalties of the said City shall cease and determine; and from and after the First Term of *Whitsunday* following each such Vacancy among the Ministers at present holding the Two Charges in the Parish of Canongate, *One Half* of the Rate of the Annuity Tax now leviable in the said Parish shall cease and determine; and from and after the First Term of *Whitsunday* following a Vacancy in the Second Charge of the Burgh of Montrose, by the Death, Demission, or otherwise of the Minister at present holding the same, the whole Annuity Tax now leviable in the said Burgh shall cease and determine; and it shall not thereafter be lawful to assess or levy the Portions of the Annuity Tax appertaining to the Charges so vacated, respectively; and all Acts of Parliament and other Authorities under which such Portions of the said Tax were assessed and levied, prior to such Vacancies respectively, shall, in so far as inconsistent with this Act, be and the same are hereby repealed, and rendered null and of no Effect.

Patronages transferred to Communicants.

III. The Right of Patronage and presenting Ministers to the Eighteen Charges in the City of Edinburgh, at present vested in the Lord Provost, Magistrates, and Council of the said City, and the Right of Patronage and presenting a Minister to the Second Charge of the Burgh of Montrose, at present vested in the Provost, Magistrates, and Council of the said Burgh, shall be transferred to and are hereby vested in the Elders and other Members of the respective Congregations, being in full Communion, and whose Names shall have stood on the Roll of Communicants, and who shall have been Seatholders of their respective Churches for not less than *Three Months* before the Occurrence of a Vacancy; and the Rights of Presentation or Election of Ministers to the said Charges may be exercised by such Elders and other Members, or a Majority of their Number, on the Occurrence of every Vacancy in the said Charges.

Church Door Collections, and Seat or Pew Rents of the City of Edinburgh,

IV. From and after the First Term of *Whitsunday* following each such Vacancy among the Ministers at present holding the Eighteen Charges of the City of Edinburgh, the ordinary Church Door Collections, other than Collections made for special Purposes, and also the Seat

Seat or Pew Rents of each of the Fifteen City Churches, which now belong to the Lord Provost, Magistrates, and Council of the said City, shall be severally transferred to and are hereby vested in the Kirk Sessions of the respective Churches; and the said Kirk Sessions shall have Power to let the Seats or Pews in their several Churches, and to collect the Rents of the same; and they shall severally apply the said ordinary Church Door Collections and the said Seat or Pew Rents in Payment of all Expenses connected with the Maintenance of the Fabrics of their respective Churches, and the Insurance of the same against Loss by Fire, in the same Manner and to the same Amount as they are now insured, and in Payment of the Expenses of cleaning, heating, lighting, Communion Elements, and Salaries to Church Officers, including a Proportion of the Salaries of the Clerks and Officers of the Synod and Presbytery, and every other Charge and Expense connected with the said Churches respectively which the said Lord Provost, Magistrates, and Council have been in use to defray; and the Residue of the said Funds vested as aforesaid shall be applied by the said Kirk Sessions respectively towards the Stipends of the future Ministers of their several Churches: Provided always, that in the Case of a Collegiate Charge, the Minister first succeeding to a Vacancy shall be entitled to the whole of the said Residue until the Appointment of another Minister on the Death or Demission of the Colleague of such Minister, after which such Residue shall be equally divided between the Two Ministers in the said Collegiate Charge; and the said Kirk Sessions shall not be required to render any Account of their Expenditure of the said ordinary Church Door Collections to the Board of Supervision for the Management of the Poor, established by the Act Eighth and Ninth Victoria, Chapter Eighty-three, the Provisions of which Act shall not be applicable to the Collections in the said Churches: Provided also, that nothing in this Act shall be held to deprive the said Lord Provost, Magistrates, and Council of their Right of Property in the Churches of the said City, or shall authorize the said Kirk Sessions to make any Alteration on the Fabric of the said Churches without the Concurrence of the said Lord Provost, Magistrates, and Council.

vested in Kirk Sessions, and how to be applied.

V. In lieu of the Security which the Creditors of the City of Edinburgh now have over the free Produce of the Seat or Pew Rents of Thirteen Churches in the said City, after Deduction of all preferable Burdens, and of all other Expenses of the Ecclesiastical Establishments of the said City, they shall have a Security over the Common Good or Market Customs of the said City, and Property therewith connected, including the whole Customs and Market Dues, together with the Revenues of the Corn Market, belonging to the said Lord Provost,

Security to City Creditors in lieu of Seat Rents.

Magistrates, and Council, equal to the Amount of the free average annual Revenue arising from the said Seat or Pew Rents during the *Seven* Years preceding the passing of this Act, after Deduction of all preferable Burdens and Expenses as aforesaid, as the same shall be ascertained from the annual published Accounts of the said City; and in case of any Difference of Opinion respecting the Amount of such free Revenue, the Question shall be referred to the Sheriff of Edinburgh, whose Decision shall be final and conclusive; and such Security shall be held under the same Conditions, and made effectual in the same Manner, as the Security already held by the said Creditors over the foresaid Common Good and other Revenues.

Ministers and Congregations may adopt the Provisions of this Act before a Vacancy.

VI. It shall be lawful for the Elders and other Members of the Congregations qualified as aforesaid, or a Majority of them, of any of the Churches of the City of Edinburgh, with the Concurrence of the present Minister or Ministers thereof, to adopt the Provisions of this Act before the Occurrence of a Vacancy, and in such Case they shall give Notice in Writing to the said Lord Provost, Magistrates, and Council of their Intention, at the First Term of *Whitsunday* after such Notice, to adopt its Provisions, whereupon the ordinary Church Door Collections, other than Collections made for special Purposes, and the Seat or Pew Rents of such Church shall be transferred to, vested in, and applied by the Kirk Sessions of such Church in the same Manner as if a Vacancy or Vacancies had occurred in the Charge of such Church as before provided, and in every such Case the Minister or Ministers of such Church shall have no Claim to any Share of the said Annuity Tax; and a corresponding Portion or Portions of such Tax shall cease and determine as if a Vacancy or Vacancies had occurred as aforesaid, and shall no longer be assessed or levied.

Town Council to have Power to apply One Halfpenny per Pound of Police Assessment for Municipal Purposes.

VII. From and after the First Term of *Whitsunday* following the First Vacancy among the Ministers of any of the said Fifteen Churches in the said City, or following the Adoption of the Provisions of this Act in manner before mentioned, and on the Seat or Pew Rents of any of the said Churches being thereby transferred to and vested in the Kirk Session as aforesaid, it shall be lawful for the said Lord Provost, Magistrates, and Council to apply a Portion of the Assessment now leviable by them for watching, lighting, and cleaning the City, and for other Purposes, towards the General Municipal Expenditure of the said City: Provided, that the Sum to be so applied shall not in any Year exceed *One Halfpenny* per Pound of such Assessment on the Police Rental of the said City.

Church Door Collections and Seat or

VIII. From and after the First Term of *Whitsunday* following the First Vacancy in the Collegiate Charge of the Parish of Canongate, the

the ordinary Church Door Collections, and also the Seat or Pew Rents which now belong to the Managers of the Kirk and Kirkyard Funds of the said Parish, shall be transferred to and are hereby vested in the Kirk Session of the said Church, and the said Kirk Session shall have Power to let the said Seats or Pews, and to collect the Rents of the same; and after paying any Expenses which may have heretofore been paid out of the said Seat or Pew Rents, they shall apply any Residue of the said Seat or Pew Rents, and the ordinary Church Door Collections, towards the Stipend of the Successor in Office of such Minister, until after the Appointment of a Second Minister, through the Death or Demission of the Colleague of such Successor, when the said Funds shall be equally divided between the Two Ministers; and the said Kirk Session shall not be required to render any Account of their Expenditure of the said ordinary Church Door Collections to the Board of Supervision for the Management of the Poor, established by the Act Eighth and Ninth Victoria, Chapter Eighty-three, the Provisions of which Act shall not be applicable to such Collections.

Pew Rents of Parish of Canongate, to be vested in Kirk Session, and how to be applied.

IX. From and after the First Term of *Whitsunday* following the First Vacancy in the Second Charge of the Burgh of Montrose, the Provost, Magistrates, and Town Council of the said Burgh shall pay to the succeeding Ministers of the said Second Charge the Sum of *Two hundred Pounds* per Annum, by Moieties at the Terms of Martinmas and Whitsunday respectively, out of the first and readiest of the Monies payable to them as Compensation for having transferred to the Trustees of the Harbour of Montrose the Harbour, with the Pertinents thereof, and the Harbour Dues and other Dues leviable within the Precincts of the same.

Town Council of Montrose to pay Two hundred Pounds per Annum to Minister of the Second Charge of the Burgh of Montrose.

X. From and after the First Term of *Whitsunday* following such Vacancy in the Burgh of Montrose, the ordinary Church Door Collections shall be transferred to and are hereby vested in the Kirk Session of the Parish of Montrose, and the said Kirk Session, after defraying the Expenses which have heretofore been defrayed out of the said Collections equal to the average annual Amount expended during the *Seven* Years preceding the passing of this Act, shall apply the Residue of the said Collections in aid of the Stipend of the succeeding Ministers of the said Second Charge.

Montrose Church Door Collections vested in Kirk Session, and how to be applied.

XI. All Stipends payable under this Act in respect of Charges which shall become vacant, for the Period in which such Charges shall be so vacant, shall be payable to the Trustees for the Ministers' Widows Fund for Scotland, in the same Manner, and for the same Purposes, as the Stipends of vacant Charges are so payable by Law.

Stipends of vacant Charges payable to Ministers' Widows Fund.

Edinburgh, &c. Annuity Tax.

A

BILL

To abolish the Ministers' Money or Annuity Tax levied within the City of Edinburgh, Parish of Canongate, and Burgh of Montrose, as Vacancies occur among the present Ministers, and to make Provision for their Successors.

(*Prepared and brought in by Mr. Black, Mr. Baxter, and Mr. Cowan.*)

Ordered, by The House of Commons, *to be Printed,* 22 *March* 1858.

[Bill 34.]

Under 1 *oz.*

11 *May* 1858. 21 Vict.

A

BILL

TO

Further limit and define the Jurisdiction of Election Committees in Cases of Scrutiny, by extending the Provisions of the Act of the Sixth Year of Her present Majesty, Chapter Eighteen, Section Ninety-eight.

WHEREAS it is expedient to extend the Provisions of the Sixth of Victoria, Chapter Eighteen, Section Ninety-eight, by further limiting and defining the Powers of Election Committees in Cases of Scrutiny: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the *passing of this Act*, in any Election which shall be complained of before an Election Committee, the Register of Voters in force at the Time of such Election shall, so far as regards the Proceedings before such Committee, be final and conclusive to all Intents and Purposes as to the Right to vote of every Person who shall be upon such Register, except so far as the Vote of such Person may Register conclusive as to Right to vote, except for Act done at Election.

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be disputed on the Ground of any Act done by such Person at such Election.

Short Title.

II. This Act may be cited as "The Election Committees Scrutiny Act, 1858."

Election Committees Scrutiny.

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B I L L

To further limit and define the Jurisdiction of Election Committees in Cases of Scrutiny, by extending the Provisions of the Act of the Sixth Year of Her present Majesty, Chapter Eighteen, Section Ninety-eight.

(*Prepared and brought in by Mr. Collins and Mr. Andrew Steuart.*)

Ordered, by The House of Commons, *to be Printed*, 11 *May* 1858.]

[Bill 82.]

Under 1 *oz.*

(Ireland.)

A

B I L L

TO

Improve and amend the Law of Landlord and Tenant with relation to Emblements and awaygoing Crops in Ireland.

WHEREAS it is expedient to amend and render uniform the Laws relating to Emblements and awaygoing Crops in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The following Words shall in this Act have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say, the Word "Landlord" shall include the Court of Chancery, and the Word "Receiver" shall include a Receiver under the Court of Chancery or under the Deed of Trust or Receiver Deed. Interpretation of Terms.

II. In citing this Act in other Acts of Parliament, legal Proceedings, or otherwise, it shall be sufficient to describe it as "The Emblements Act (Ireland), 1858." Short Title.

III. This Act shall commence and take effect on the *First Day of January* next after the passing of this Act. Commencement of Act.

Repeal of s. 1., 14 & 15 Vict. c. 25.

IV. From and after the *Commencement of this Act*, the First Section of an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter Twenty-five, amending the Law in relation to Emblements so far as the same relates to Ireland, shall be and the same is hereby repealed, except so far as relates to any Act, Matter, or Thing done under the said Section of the said Act before the *Commencement of this Act*, which shall remain valid and effectual to all Intents whatsoever.

Tenant not to have a Right to Emblements, but entitled to be paid for Crops, &c. as by this Act provided.

V. No Tenant of Land in Ireland shall after the *Commencement of this Act* have or claim any Right or Title to any Crops remaining on the Land at the Expiration or other earlier Determination of his Tenancy, whether as Emblements, or under any Act of Parliament, local Custom, Usage, or otherwise, save as in this Act herein-after provided; but every Tenant of Lands in Ireland whose Tenancy shall not have expired or have determined before the *Commencement of this Act*, and who shall not have entered into any Agreement with his Landlord to the contrary before the *Commencement of this Act*, shall be entitled to be paid, in the Manner herein-after mentioned, for the Crops (if any) which such Tenant shall have sown in the Ground, and which shall be unsevered at the Time of Expiration or other earlier Determination of the Tenancy, for the Preparation of the Ground for Crops by Tillage and manuring subsequently to the Severance of the last preceding Crop grown thereupon, for all Straw or Hay or Manure produced on and left unapplied on the Farm, or for any One or more of the said several Matters.

Tenant to serve Notice in order to have Crops, &c. valued.

VI. In order to determine the Value of the Crops or other Matters herein-before mentioned, it shall be lawful for such Tenant, *Thirty* Days at least before the Determination of his Tenancy, should such Tenancy determine or be put an end to upon an Event or at a Time that could be known or ascertained beforehand, and within *Fourteen* Days after the Determination of the Tenancy should such Tenancy determine or be put an end to upon an Event or at a Time that could not be known or ascertained beforehand, or, in case he should be served with an Ejectment for Nonpayment of Rent, within *Twenty* Days after being served with such Ejectment, to serve a Notice in Writing signed by him upon his Landlord, or upon his known Agent or Receiver, stating the Amount claimed by such Tenant for the several Crops and other Matters herein-before mentioned, or any of them, and specifying the Nature and Extent and Quantity and Position of the same respectively, and proposing some Person to act as Arbitrator in his Behalf in estimating the Value of such Crops or other Matters, and requiring the Landlord, his Agent or Receiver, in case he should object to the Amount so claimed or to the Claim so made, to name

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an Arbitrator in his (the Landlord's) Behalf, to ascertain the Value of the said Crops or other Matters.

Landlord may appoint an Arbitrator, or allow Tenant to remain in possession.

VII. If the Landlord, his Agent or Receiver, on being served with such Notice by such Tenant as aforesaid, shall object to the Tenant's Right to the Claim he has made or to the Amount claimed by him, he shall, in compliance with such Notice, nominate in Writing some Person to act as Arbitrator in his Behalf, and serve a Notice of the same upon the Tenant within *Fourteen* Days from the Time that he received the Claim on the Tenant's Part, unless such Landlord, his Agent or Receiver, shall elect to allow the Tenant to remain in possession of the Land, in the Manner hereinafter mentioned.

If Landlord does not name an Arbitrator, Tenant may proceed to have an Arbitrator appointed.

VIII. If the Landlord, his Agent or Receiver, shall not, within *Twenty-one* Days after the Service of such Notice on the Part of such Tenant, by a Notice in Writing served upon such Tenant, nominate some Person to act as an Arbitrator in his Behalf, it shall be lawful for the Tenant who served such Notice (except in case the Landlord, his Agent or Receiver, shall consent to allow the Tenant to remain in possession, in the Manner hereinafter mentioned), by a Summons duly issued and served for such Purpose, to require such Landlord, or his Agent or Receiver, to attend before the Justices of the Peace at Petty Sessions for the District within which the said Lands or any Portion thereof are situate, to show Cause why Two Arbitrators should not be appointed by the said Justices, One for each Party, to act in such Reference; and in case the Landlord, his Agent or Receiver, shall not appear, or appearing shall refuse or decline to appoint an Arbitrator, it shall be lawful for the said Justices and they are hereby required then and there to appoint Two Persons, One of whom may, should such Justices think fit, be the Party named by the Tenant as Arbitrator as aforesaid, to act for and on behalf of such Landlord and Tenant respectively in such Reference.

Arbitrators to ascertain Value of Crops, &c.

IX. The Arbitrators so appointed, either by the Landlord and Tenant respectively, or by the Justices as aforesaid, shall, within *Fourteen* Days after such Appointment or the Appointment of the last appointed Arbitrator, enter on the Lands, and examine into the several Matters comprised in the Claim made by such Tenant; and such Arbitrators shall make an Estimate of the Amount which all the Crops then sown and unsevered would in their Opinion be worth at the Time of harvesting the same respectively (all proper Allowances being made for the estimated Expense of

harvesting and carrying the same to Market), and also the present Value of all Preparations for Crops made by Tillage or manuring since the Severance of the last preceding Crop on any Part of the Lands (not in Grass or Pasture) on which Crops shall not be sown at the Time of making such Estimate, and of the present Value of all Straw or Hay or Manure produced on and left unapplied on the Farm; and such Arbitrators shall ascertain the Amount of Rent, Rates, and Taxes which would be payable to the Landlord from the Time of the Determination of the Tenancy to the Time of harvesting of the Crops in respect of the Portion of the Ground under sown and unsevered Crops as aforesaid, regard being had to the Rent payable under the Tenancy expired or determined or about to be determined as aforesaid; and such Arbitrators shall deduct the Amount of such Rent so ascertained from the Value so determined by them as aforesaid, and shall award the Balance, if any, to be the Sum payable to the Tenant, and shall make their Award within *Fourteen* Days next after the Time of their Appointment or the Appointment of such last appointed Arbitrator as aforesaid.

If Arbitrators cannot agree, an Umpire to be appointed.

X. If the Arbitrators so appointed cannot agree, they shall, within *Seven* Days after the Expiration of the Time limited for the making their Award as aforesaid, appoint an Umpire, who shall have the same Powers and Duties as are herein-before provided with regard to the Arbitrators; and if the said Arbitrators refuse or decline to appoint an Umpire within the Time before mentioned, it shall be lawful for either Party, after the Expiration of such Term, to apply to the Justices at such Petty Sessions as aforesaid to appoint an Umpire, and such Justices shall accordingly forthwith appoint an Umpire, who shall have the same Powers and Duties as the Umpire aforesaid, and his Decision shall be final, unless appealed against, as herein-after provided.

If Landlord pays the Value of Crops, &c., the Sheriff to give Possession, &c. to Landlord.

XI. In case the Landlord, his Agent or Receiver, shall admit the Claim made by such Tenant, and the Amount thereof, and shall thereupon pay the Amount thereof to the Tenant, such Tenant shall forthwith sign a Receipt for such Amount in discharge of the Claim so made by him as aforesaid; and in case any Award made by such Arbitrators or Umpire, if the Landlord shall pay the Amount so awarded, the Tenant shall, unless he intends to appeal against such Award, in the Manner herein-after provided, sign a Receipt for the Sum so awarded; and in either of such Cases, upon the Production of such Claim and Receipt, or Award and Receipt, (as the Case may be,) to the Sheriff of the County in which such Lands shall be situate, such Sheriff may and shall proceed to deliver up Possession of all the Lands in respect of which

which or any Part of which such Claim shall have been made by the Tenant, to the said Landlord, his Agent or Receiver, in the same Way in all respects as if the said Landlord, Agent or Receiver, had delivered to the said Sheriff a Writ of Habere facias possessionem regularly obtained in due Form of Law for Delivery of such Lands.

If Tenant declines to accept Amount awarded, Landlord may deposit same with Sheriff.

XII. Should the Tenant decline to accept the Amount awarded to him by the Arbitrators or Umpire as aforesaid, on the Ground that he intends to appeal from the Award, the Landlord, his Agent or Receiver, may deposit with the Sheriff of the County in which such Lands are situate the Amount claimed by such Tenant, and thereupon the said Sheriff may and shall proceed to deliver up Possession of all the Lands in respect of which or any Part of which such Claim shall have been made by the Tenant as aforesaid, to the said Landlord, his Agent or Receiver, in the same Way in all respects as if the said Landlord, Agent or Receiver, had delivered to the said Sheriff a Writ of Habere facias possessionem regularly obtained in due Form of Law for the Delivery of such Lands.

On Production of Award, to pay Tenant Amount thereof.

XIII. Such Sheriff shall, on Production to him by the Tenant of the Award of the Justices or Judge on the Appeal, in case the Tenant shall appeal in manner and within the Time herein-after mentioned, or upon the Production of the Award of the Arbitrators or Umpire, in case such Tenant shall not prosecute his Appeal, pay to the Tenant the Amount specified as payable to him by such Award, and the Residue (if any) of the Sum so lodged with him as aforesaid to the Landlord, his Agent or Receiver.

Appeal to Petty Sessions.

XIV. When the Amount awarded by the Arbitrators or Umpire shall not exceed Fifty Pounds, and the Arbitrators or Umpire shall by their Award award nothing to the Tenant, on the Ground that by his Lease or Agreement he was prohibited from making any Claim, in whole or in part, and when no Claim in the Nature of a Set-off, as in this Act provided, (except for Arrears of Rent,) shall be made by the Landlord, his Agent or Receiver, it shall be lawful for either Party in such Case, within *Twenty-one* Days after the making of the said Award, to appeal to the Justices of the Peace at Petty Sessions for the District in which such Lands or the greater Part thereof are situate, who shall thereupon decide, either upon Inspection of the Premises or Examination of Witnesses, or both, as they shall think best, and forthwith make their Award accordingly, which shall be final, and the Costs of such Appeal shall be in the Discretion of such Justices.

Appeal to Judge of Assize.

XV. When the Amount ascertained by the Arbitrators or Umpire as aforesaid shall exceed Fifty Pounds, and in case the Arbitrators or

Umpire shall by their Award award nothing to the Tenant, on the Ground that by his Lease or Agreement he was prohibited from making any Claim, or in case the Landlord, his Agent, or Receiver, shall have made any Claim in the Nature of a Set-off, (except for Arrears of Rent,) the Party feeling himself aggrieved, instead of appealing to the Justices at Petty Sessions as aforesaid, may Appeal to the next going Judge of Assize for the County in which the Lands or the greater Part thereof are situated, who shall hear and determine the Matter between the Parties, and may, if he shall think fit, empannel a Jury of any *Six* Persons to assist him in his Decision, and shall thereupon make his Award, which shall be final, and the Cost of such Appeal shall be in the Discretion of the Judges.

Landlord may make a Set-off or Deduction in certain Cases.

XVI. On any such Inquiry as aforesaid, either before the Arbitrators, the Umpire, the Justices or Judge, the Landlord, his Agent or Receiver, shall be at liberty to make a Set-off or cross Demand for any Arrears of Rent or Taxes or Assessments remaining due or left unpaid by any such Tenant at the Determination of such Tenancy, or for any Breach of Covenant or Condition or Agreement which the Tenant was bound to fulfil, or for any Deterioration or Damage or Waste to the Lands and Premises by reason of such Tenant overcropping the Lands so held in an untenantlike and improper Manner; and it shall be competent for the Arbitrators, Umpire, or Court which shall adjudicate on any Tenant's Claim, at the same Time and by the same Award, to adjudicate on such Set-off or cross Demand, by deducting the Amount thereof from the Amount of their Award (if any), without Prejudice to the other Remedies of the Landlord for the Recovery of such Balance, in case the Amount of such Set-off shall exceed the Amount against which it is to be a Set-off as aforesaid; and if the Landlord, his Agent or Receiver, shall prove, to the Satisfaction of such Arbitrators, Umpire, or Court, that the Tenant was bound by the Lease or Agreement not to make any Claim or Demand in the Nature of or for Emblements or awaygoing Crops or other Matters under this Act, such Arbitrators, Umpire, or Court shall make their Award stating that they or he found such to be the Fact, and awarding nothing to the Tenant accordingly.

Arbitrators, &c. to be paid a reasonable Sum.

XVII. Any Arbitrators or Umpire appointed by the Justices at Petty Sessions as aforesaid for the Purposes of this Act shall be entitled to receive such reasonable Remuneration as the said Justices shall determine, and the same shall be recoverable from the Party to be named by the Justices appointing them or him in like Manner as Sums due for Wages are by Law recoverable.

XVIII. No

Landlord not liable to pay if he allows the Tenant to hold Crops, &c.

XVIII. No Landlord shall be bound to any Tenant for any Crop so sown or Land so tilled in manner as aforesaid, if he shall allow the Tenant to take away the Crop which shall have been so sown, or to sow the Land so tilled, or to take away the Crop to be grown thereon in due Course of Husbandry, or to carry away for his own Use all the Hay, Straw, or Manure specified in his Claim, and which shall have been produced upon the Premises; and in any such Case such Tenant shall pay to the Landlord for the Quantity of Ground whereon such Crops shall be grown the Rent and Taxes of such Ground at the same acreable Rent at which he shall have previously held the Lands in respect of which or of any Part of which such Tenant shall have made any such Claim as aforesaid, from the Period of the Expiration of his Tenancy up to the Time such Crop shall be severed and removed, provided such Landlord, his Agent or Receiver, shall, within *Fourteen* Days after being served with the Notice of Claim by the Tenant as aforesaid, serve a Notice in Writing on such Tenant, stating that he will not refer the Matter to Arbitration, as required by the Tenant, but will elect to permit such Tenant to remain in possession of the Lands, and carry away the Hay, Straw, and Manure specified in his Claim; and the Tenant, on being served with such last-mentioned Notice, shall forthwith deliver up Possession of all Parts of the Land in respect of which he shall have made no Claim; and in default of his so doing for the Space of *Fourteen* Days after being served with such Notice such Tenant shall forfeit all Right to make such Claim, or to derive any Benefit under the Provisions of this Act.

Landlord may allow Tenant to carry away Hay, Straw or Manure, and pay for Crops, or allow Tenant to hold same.

XIX. No Landlord shall be bound to pay any such Tenant for any Hay, Straw, or Manure remaining unapplied on the Farm, though he may elect to pay for the Crop and Preparation of Ground by Tillage as aforesaid, provided such Landlord, his Agent or Receiver, shall, within *Fourteen* Days after being served with such Notice by the Tenant as aforesaid, serve a Notice in Writing on such Tenant, stating that he will allow such Tenant to carry away all the Hay, Straw, and Manure claimed by the Tenant, and will pay for the Crop and Preparation of the Ground, or stating that he will allow the Tenant to carry away the Hay, Straw, and Manure so claimed, and nominating an Arbitrator to ascertain the Value of the Crops and Preparation by Tillage (as the Case may be); and in the Case last mentioned the Provisions hereinbefore contained as to Appointment of Arbitrators and Umpire, Appeal, Payment or Lodgment of Money, signing Receipts, delivering up Possession, and other Matters, shall, so far as the same are applicable, apply to the Case last mentioned, save that the Amount claimed by the Tenant for Hay, Straw, and Manure shall be considered

sidered as erased from and as forming no Part of the Claim of such Tenant.

If Landlord allows Tenant to hold Lands for Crops, Tenant's Goods and Chattels liable for Rent.

XX. In case the Landlord, his Agent or Receiver, shall elect to allow the Tenant to remain in possession, all Goods and Chattels and other Things upon any Part of the Premises in which the Tenant shall so remain in possession shall be liable to Distress for all Arrears of Rent due at the Time of the Determination of the Tenancy, and all Rents and Taxes payable as aforesaid by reason of such Tenant remaining in possession as aforesaid, in the same Way as if the expired or determined Tenancy had continued, until the Tenant shall have given up Possession of all the Land comprised in the Tenancy or Holding in respect of any Part of which he shall have made such Claim as aforesaid.

Tenant, when paid or allowed for Crops, cannot redeem.

XXI. No Tenant, having been served with an Ejectment for Non-payment of Rent of any Holding, and having been paid or allowed for Crops or other Matters, under the Provisions of this Act, shall be entitled to redeem such Holding or any Part thereof, any Law to the contrary notwithstanding: Provided always, that if no such Payment or Allowance be made the Landlord or Tenant shall have all the Rights and Privileges as to Redemption as are provided for by the Laws now in force.

Landlord may receive a Fine from incoming Tenant.

XXII. It shall be lawful for any Landlord who shall elect to pay an outgoing Tenant for any such Crop or other Matters mentioned in this Act, to receive a Fine equivalent thereto, from an incoming Tenant, notwithstanding that such Landlord may be prohibited by any Deed or Writing from receiving any Fine, Premium, or other Consideration upon the letting of the Premises.

Tenant not complying with the Act not to have any Claim.

XXIII. No Tenant who shall not comply with the Provisions of this Act shall have any Claim or Title to any Crops or any other of the Matters herein-before mentioned remaining on the Lands at the Expiration or other sooner Determination of his Tenancy.

Act to extend to Ireland only.

XXIV. This Act shall extend to Ireland only.

Emblements, &c. (Ireland.)

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BILL

To improve and amend the Law of Landlord and Tenant in relation to Emblements and awaygoing Crops in Ireland.

(*Prepared and brought in by Mr. Magan and Mr. Roupell.*)

Ordered, by The House of Commons, *to be Printed,* 6 *July* 1858.

[Bill 184.]

Under 2 oz.

A

BILL

TO

Amend the Law respecting Endowed Schools.

WHEREAS in many Cases Persons are deprived of the full Benefits of Endowed Schools, contrary to the Intention of the Founders thereof, by reason of some supposed Intention, not expressed by such Founders, that some particular Religious Teaching should form Part of the Instruction provided thereat; and it is expedient that the Benefits of such Schools should be shared equally by all Classes and Denominations of Her Majesty's Subjects, without any Distinction whatever: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Where no Religious Doctrine specified by the Founder of an Endowed School, Persons of any Religious Denomination, if otherwise fit Objects, may be educated

I. In all Cases in which the Founder of any Educational Charity has not expressly provided that the Teaching of some particular Religious Doctrine shall form Part of the Instruction to be provided by such Charity, Persons of all Religious Denominations, who shall be otherwise fit Objects, shall be entitled to participate alike in the Benefits thereof.

II. All

and may be Trustees.

II. All Persons otherwise competent shall be eligible to the Offices of Feoffees or Trustees of the Estates of such Charity, and to the Government and Regulation thereof, without being required to hold or profess any particular Religious Doctrine, or to belong to any particular Religious Denomination.

If the Master must be a Graduate, he may, if otherwise fit, be a Graduate of any English or Irish University.

III. Any Master of Arts or any Bachelor of Arts of Five Years standing of any English or Irish University, if otherwise competent, shall be eligible, without making any Declaration of his Religious Belief, to hold any Mastership in any Endowed School which is required to be held by a Bachelor or Master of Arts of Oxford, Cambridge, or Dublin University, and as to which the Founder of such Endowed School has not expressly provided that the Teaching of some particular Religious Doctrine shall form Part of the Instruction to be given by such Master.

Short Title.

IV. This Act may be cited as "The Endowed Schools Act, 1858."

Endowed Schools Law Amendment.

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B I L L

To amend the Law respecting Endowed Schools.

(*Prepared and brought in by Mr. Dillwyn and Mr. Massey.*)

Ordered, by The House of Commons, *to be Printed,* 6 *July* 1858.

[Bill 182.]

Under 1 *oz.*

A

BILL

ON

Equitable Councils of Conciliation.

WHEREAS it is expedient, the better to facilitate the Settlement of Disputes between Masters and Workmen, that they should be enabled to form Councils of Conciliation and Arbitration in the large Mercantile, Manufacturing, and Mining Districts, and to amend and extend the Provisions of an Act passed in the Fifth Year of the Reign of King George the Fourth, intituled "An Act to consolidate and amend the Laws relative to the "Arbitration of Disputes between Masters and Workmen:" And whereas another Act was passed in the First Year of the Reign of Her present Majesty Queen Victoria, Chapter Sixty-seven, to amend the said recited Act: And whereas it is further expedient to alter and amend the said recited Acts so far as they relate to the Nomination, Appointment, and Power of Referees, Arbitrators, and Justices: And whereas an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act to make further "Regulations respecting the Tickets of Work to be delivered to Silk "Weavers in certain Cases," and for the better Recovery of the Wages and Sums due for Work: And whereas it is also expedient to extend the Provisions and Enactments of the last-mentioned Act to all other Trades, Occupations, and Employments whatsoever, except

Preamble.

5 G. 4. c. 96.

8 & 9 Vict. c. 128.

except so far as relates to the "Count or Richness of the Warp or "Cane, the Number of Shoots or Picks required in each Inch, the "Number of Threads of Weft to be used in each Shoot, the Name "of the Manufacturer, or the Style of the Firm under which he "carries on his Business, the Weaver's Name, with the Date of the "Engagement, and the Price in Sterling Money agreed on for "executing each Yard Imperial Standard Measure of Thirty-six "Inches of such Work in a workmanlike Manner:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to form Councils of Conciliation.

I. It shall be lawful for the Masters and Workmen in any Trade, Occupation, Employment, or Calling whatsoever in any City, Borough, Town, Stewartry, Riding, Division, Barony, Liberty, or other Place within the United Kingdom of Great Britain and Ireland, to form Equitable Councils of Conciliation and Arbitration, consisting of an equal Number of Masters and Workmen, who shall have Power to appoint their own Chairman, Clerk, or such other Officer or Officers as they may deem requisite, and to hear and determine all Questions of Dispute and Difference between Masters and Workmen, as set forth in the before-recited Act of the Fifth Year of King George the Fourth, Chapter Ninety-six, as may be submitted to them, and have, hold, and exercise all the Powers and Authority granted to Arbitrators, Referees, Justices, and others, and awarded to them under the various Enactments and Provisions of the Acts before recited; and any Award the said Councils of Conciliation and Arbitration may make in any Case of Dispute or Difference submitted to them under the before-recited Act or Acts shall be final and conclusive between the Parties to such Arbitration, without being subject to Review or Challenge by any Court or Authority whatsoever (except the Commitment of refractory Witnesses or others to Prison, or the issuing of Warrants of Distress, which Power shall still remain invested in the Justices, as provided by the aforesaid-mentioned Acts), and the said Council are hereby authorized to adjudicate upon and determine any Case submitted to them, notwithstanding the said Trade may not have been mentioned in the Licence or represented in the Council.

Powers, &c.

Exceptions.

Extension of 8 & 9 Vict. c. 128. to all Trades and Occupations.

II. All the Provisions and Enactments of the Act of the Eighth and Ninth Years of Her present Majesty, Chapter One hundred and twenty-eight, intituled "An Act to make further Regulations "respecting the Tickets of Work to be delivered to Silk Weavers "in certain Cases," shall be extended and construed to extend to all other Trades, Occupations, and Employments whatsoever, as if those

Provisions

Provisions and Enactments had been re-enacted in this Act, and expressly extended and made applicable to each Trade, Occupation, or Employment, as though each Trade was specially named herein; and the said Tickets in each Case ("unless both Parties shall by "Writing under their respective Hands agree to dispense therewith"), shall contain the Name of the Master, or his Agent or Servant, the Name of the Workman, the Quantity, Quality, Weight, and Length of the Goods to be made or manufactured, or such other Description as may be mutually agreed to by both Masters and Workmen, and the Wages or Price to be paid for a certain Amount of Work to be made; and the said Ticket shall be Evidence in all Cases of Dispute, as though it was particularly set forth in this Act.

Power to Her Majesty or Secretary of State to license Councils of Conciliation.

III. If any Number of Masters and Workmen, being Inhabitant Householders or Part Occupiers of any House, Warehouse, Counting House, or other Property, of any City, Borough, Town, Stewartry, Riding, Division, Barony, Liberty, or other Place, shall jointly petition Her Majesty to grant them a Licence to form a Council of Conciliation and Arbitration, to hold, have, and exercise all the Powers granted to Arbitrators, Referees, and others under the before-recited Acts, such Petition setting forth the proposed Number of the Council, and also the Names, Occupation, and Residence of the Petitioners, it shall be lawful for Her Majesty, or Her Majesty's Principal Secretary of State for the Home Department, to grant such Licence, providing such Petition has been published *One Month* before the granting of such Licence in the London Gazette, and in One or more of the local Newspapers of the Place from whence such Petition emanates.

Councils to consist of not less than 2 Masters and 2 Workmen, or more than 6 Masters and 6 Workmen and Chairman.

IV. The said Council shall consist of not less than *Two* Masters and *Two* Workmen, nor more than *Six* Masters and *Six* Workmen, and a Chairman; the Number to constitute the said Council to be inserted in the Licence; but a Quorum of *Three*, including the Chairman, may constitute a Council for the hearing and Adjudication of Cases of Dispute, and make their Award.

Petitioners for Council to elect the First Council.

V. For the Purposes of this Act, the Persons whose Names, Occupations, and Abodes are attached to the Petition praying for a Licence shall be and they are hereby authorized to proceed to the Appointment of a Council of Conciliation from among themselves, within *Thirty* Days of such Grant of Licence; and the said Council shall remain in Office until the *First Monday in December* following.

Council to be elected for One Year.

VI. The Council shall be elected for *One Year*, and each annual Election shall take place on the *First Monday in December* in each Year;

Case of Vacancy, &c.

Year; and in case of Vacancies arising betwixt the fixed Days of Election in each Year, caused by the Death or Removal of any Member of the Council or Chairman, an Election shall take place within *Fourteen* Days, and another Member elected to fill up the said Vacancy from the Class to which he may belong, and he shall serve the Remainder of the Year.

Householders and Part Occupiers may demand to be registered, and have a Vote for the Council, and may be elected thereto.

VII. For the Purposes of this Act, each Inhabitant Householder or Part Occupier of any House, Warehouse, Counting House, or other Property, and having resided within the Limits of any City, Borough, Town, Stewartry, Riding, Division, Barony, Liberty, or other Place, wherever a Council of Conciliation is formed, and having resided there for the Space of *Six* Calendar Months previous to the *Ninth Day of November* in any One Year, shall be entitled to have his Name placed on the Register of Voters, and may demand to have the same registered as hereafter set forth, and being registered shall have a Vote for the Election of the Council, and also the necessary Qualification to be elected to the Council: The Masters to nominate and elect their own Portion of the Council, and the Workmen to elect their Portion of the Council.

Register of Voters to be kept.

VIII. The Clerk of each Council shall keep a Register of every Person claiming to have his Name inscribed on the Register as a Voter for the Council, and being entitled to the same within the Jurisdiction of the said Council, whether Masters or Workmen (but distinct from each other in Classes A. and B.), the said Register to contain the Name, Occupation, and Abode of each Person engaged in the particular Trade or Occupation as set forth in the Licence granting the Formation of the Council; and the said Clerk shall, upon the Payment of being made to him, register the same immediately, or be liable to pay a Fine of or not less than , the said Fine to be applied to the Funds of the said Council.

Meetings of Masters and Workmen to elect the Council.

IX. The Clerk of the Council shall, for the Purposes of this Act, be the Returning Officer; he shall convene Meetings of Masters and Meetings of Workmen, by Advertisement *Fourteen* clear Days previous to the *First Day of December;* and each Class shall at such Meeting proceed to nominate and elect Members to the Council for the Year next ensuing; the Votes to be taken by Show of Hands or Division of Numbers, and in such Place as the Returning Officer may authorize; and he shall declare to the said Meeting the Names of the Candidates who are elected, and the same shall be final and conclusive, unless a Poll is demanded at the Time the Declaration is made; but either Party may demand a Poll of those Members whose Names are registered in the Books of the Council.

X. A

X. A Poll being demanded by Two registered Members, they being the Proposers of One or more of the Candidates for Election, the Clerk shall cause to be delivered within *Two* Days to every registered Voter a Voting Paper, as provided in the Schedule to this Act annexed; and the Voter shall deliver the said Voting Paper filled up to the Returning Officer or his Deputy on or before the *Sixth* Day after the Nomination.

Voting Papers to be delivered in case a Poll is demanded.

XI. No Voter shall be entitled to give a greater Number of Votes than the Number to be elected of the Portion of the Class in the Council to which the said Voter belongs; and any Person altering or effacing in any Manner whatsoever any Voting Paper after it has been tendered to the Returning Officer shall be deemed guilty of a Misdemeanor; and any Returning Officer making a wilfully false Return shall be liable to pay a Fine of not less than or more than or be imprisoned, with or without Hard Labour, for any Period not exceeding Calendar Months.

No Voter to give a greater Number of Votes than the Number to be elected. Altering or effacing Voting Paper to be a Misdemeanor.

XII. The Returning Officer shall within *Nine* Days after the Day of Nomination declare the Number of Votes given to each Candidate, and those having received the largest Number of Votes shall be declared duly elected.

Election to be declared within Nine Days of Nomination.

XIII. The Council shall at their First Meeting nominate and appoint a Chairman, who shall preside at their Meetings; and in case of the Votes of the Council being equal, he shall have the Casting Vote; he shall also sign all Awards made by the Council and the Minutes of their Proceedings: Provided the Council cannot agree upon the Name of the Person who shall act as Chairman, it shall be decided by Lot, the Names of all proposed shall be placed in a Glass, and the Clerk shall draw One out, and the Person's Name so drawn shall be the Chairman.

Council to appoint the Chairman.

XIV. Any Person appointed to the Office of Arbitrator or Referee, and being summoned to hear, determine, and make an Award in any Case of Dispute, and who shall neglect to attend the said Case of Dispute and arbitrate thereon after being so summoned, shall pay a Fine of *One Pound*, unless Illness prevents such Attendance, which Illness must be certified by an authorized Medical Practitioner.

Penalties on Referees, &c. for refusing or neglecting to attend Cases of Dispute.

XV. The Court shall hold their Sittings in the Justices Court House or some other public Room used for the conducting of public Business.

Place of Meeting.

Appointment of Clerk.

XVI. The said Council shall appoint a Clerk, whose Duty it shall be to keep a Record of all their Proceedings, and such other Duties as this Act may authorize or the said Council may require.

To make List of Fees, Byelaws, &c.

XVII Each Council elected under this Act shall, at their First Sitting, make out a List of Fees which shall be charged for any Proceeding and other Expenses under this Act, appoint such Officers as may be necessary, and make such Byelaws, Rules, and Regulations for their Guidance, and for the taking and Scrutiny of the Votes taken for the Election of Members of the Council, and also for the Despatch of Business, as they may deem necessary; such Byelaws, Rules, Regulations, and Fees to be sanctioned by the Secretary of State for the Home Department before being made legal and binding in Law.

5 G. 4. c. 96., &c. to remain in full Force.

XVIII. All and every Enactment of the Acts before recited shall remain in full Force and Effect as though this Act was not enacted into a Law: This Act shall not be construed to extend to Domestic Servants or Servants in Husbandry.

Citation of Act.

XIX. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Councils of Conciliation Act, 1858."

Commencement of Act.

XX. This Act shall commence on the Day of One thousand eight hundred and

SCHE-

SCHEDULE OF FORMS.

Form of Summonses.

Form of Summons to be issued by Councils of Conciliation and Arbitration against a Person who hath Complaint made against him or her under the Acts 5th George the Fourth, c. 96., or the 8th and 9th Vict. c. 128., or this Act.

County of } To the of the Council
or Borough of } of Conciliation and Arbitration.

Whereas Complaint hath been made to me, *A.B.*, Chairman of the Council of Conciliation and Arbitration, held at by *C.D.* of , and demanding a Reference and Arbitration under the Act [*here set forth the Title of this Act*], in a Matter of Dispute between the said *C.D.* and *E.F.* of [*here state the Cause of Dispute*]: These therefore are to require you forthwith to summon the said *E.F.* to appear before the Council of Conciliation and Arbitration, at the at the Hour of in the noon of the Day of 18 , so that the said Dispute may be adjudicated upon and settled forthwith according to Law; and be you then there to certify what you have done in the Premises. Herein fail not.

Given under my Hand this Day of in the Year of our Lord .

(Signed) *A.B.*,
Chairman of the Council of Conciliation and Arbitration.

Form of Summons of a Witness to be issued by Chairman.

County of } To the of the Council
or Borough of } of Conciliation and Arbitration.

Whereas it appeareth to me *A.B.*, Chairman of the Council of Conciliation and Arbitration held at , that *G.H.* of in the Borough [*or* County, *as the Case may be*,] is a material Witness to be examined concerning the Dispute between *C.D.* of and *E.F.* of under the Act [*here set forth the Title of the Act*]: These therefore are to require you forthwith to summon the said *G.H.* to appear before the Council of Conciliation and Arbitration, held at the at the Hour of in the noon of the

the Day of 18 , so that the said Dispute may be adjudicated upon and settled forthwith according to Law; and be you then there to certify what you have done in the Premises. Herein fail not.

Given under my Hand this Day of
in the Year of our Lord .

(Signed) *A.B.*,
Chairman of the Council of Conciliation
and Arbitration.

FORM OF AWARD.

WE *J.K.* and *L.M.* [*name and describe the Arbitrators*], the Arbitrators in the Matters in dispute between [*here state the Names of Plaintiff and Defendant to the Reference*], do hereby adjudge and determine that [*here set forth the Determination, to which the Chairman and Arbitrators shall subscribe their Names*].

Signed this Day of 18 .

FORM OF ENDORSEMENT EXTENDING THE TIME LIMITED FOR MAKING THE AWARD.

WE , Members of the Council of Conciliation and Arbitration, do hereby agree to extend the Time of hearing or making an Award, as the Case may be, in the Matter in dispute between of and of
to the Day of .

Witness our Hands this Day of 18 .

FORM OF ACKNOWLEDGMENT OF FULFILMENT OF THE AWARD.

I , Chairman of the Council of Conciliation and Arbitration, do hereby acknowledge that the Award in the Matter of Dispute between of
and of hath been duly fulfilled by
who is hereby discharged of the same.

Witness my Hand this Day of .

A.B., Chairman.

FORM

FORM OF OATH TO BE ADMINISTERED BY THE ARBITRATORS TO THE PARTIES AND WITNESSES UNDER THIS ACT.

THE Evidence that you shall give before this Council of Conciliation and Arbitration between and under and by virtue of this Act [*here state the Title of this Act*], shall be the Truth, the whole Truth, and nothing but the Truth.

So help you GOD.

FORM OF COMMITMENT OF A PERSON SUMMONED AS A WITNESS BEFORE THE ABBITRATORS.

WHEREAS Proof on Oath hath been made before me, One of Her Majesty's Justices of the Peace for the County [*or* Riding, Stewartry, Division, City, Burgh, Liberty, Town, *or* Place] of on this Day of that *A.B.* hath been duly summoned, and hath neglected to appear and give Evidence before the Council of Conciliation and Arbitration for the in the Matters in dispute between *C.D.* and *E.F.*, at in the County [*or* Riding, Stewartry, Division, City, Burgh, Liberty, Town, *or* Place] of on the Day of , under and by virtue of an Act made in the Twenty-first Year of the Reign of Her present Majesty, intituled "An Act" [*here set forth the Title of this Act*]; and the said *A.B.* being required to appear and give Evidence before the said Arbitrators, and still refusing so to do; therefore I, the said Justice, do hereby, in pursuance of the said Act, commit the said *A.B.* to the [*describing the Prison and the House of Correction*], there to remain without Bail or Mainprise, for his [*or* her] Offence aforesaid, until he [*or* she] shall submit himself [*or* herself] to be examined and give his [*or* her] Evidence before the said Arbitrators touching the Matters referred to them, or shall otherwise be discharged by due Course of Law: And you the [*Constable or other Peace Officer or Officers to whom the Warrant is directed*] are hereby authorized and required to take into your Custody the Body of the said *A.B.*, and him [*or* her] safely convey to the said Prison [*or* House of Correction], and him [*or* her] there to deliver to the Gaoler [*or* Keeper] thereof, who is hereby authorized and required to receive into his Custody the Body of the said *A.B.*, and him [*or* her] safely to detain and keep, pursuant to this Commitment.

Given under my Hand this Day of in the Year of our Lord .

(This Commitment to be directed to the proper Peace Officer and the Gaoler [*or* Keeper] of the Prison [*or* House of Correction].)

FORM OF WARRANT OF DISTRESS.

To the Constable of

WHEREAS of under an Award made by on the Day of in the Year of our Lord pursuant to an Act passed in the Twenty-first Year of the Reign of Her present Majesty, intituled "An Act" [*state the Title of this Act*], is liable to pay to of the Sum of , and also the Sum of ; and the said having refused or neglected to pay the same for the Space of Two Days and upwards subsequent to the making of such Award: These are therefore to command you to levy the said Sum of by Distress and Sale of the Goods and Chattels of the said ; and I do hereby order and direct the Goods and Chattels so to be distrained to be sold and disposed of within Days, unless the Sum of for which such Distress shall be made, together with the reasonable Charges of taking and keeping such Distress, shall be sooner paid; and you are also hereby commanded to certify to me what you shall do by virtue of this my Warrant.

Given under my Hand and Seal at the Day of .

FORM OF THE CONSTABLE'S RETURN TO THE WARRANT OF DISTRESS.

I Constable of do hereby certify to Justice of the Peace that I have made diligent Search for but do not know of nor can find any Goods and Chattels of by Distress and Sale whereof I may levy the Sum of pursuant to his Warrant for that Purpose, dated the Day of in the Year of our Lord .

Given under my Hand this Day of in the Year of our Lord .

FORM OF COMMITMENT THEREUPON TO THE HOUSE OF CORRECTION.

[*Here name the County.*] To the Constable of and also to the Keeper of the House of Correction at .

WHEREAS of under an Award made by on the Day of in the Year of our Lord pursuant to an Act passed in the Twenty-first Year of the Reign of Her present Majesty, intituled "An Act" [*state the Title of this Act*], became liable to pay to the Sum of and also the Sum of for Costs, Time,

Time, and Expenses, making together the Sum of , and having refused or neglected to pay the same for the Space of Two Days and upwards subsequent to the making of such Award, my Warrant was, according to the Provisions of the said Act, duly made and issued for the levying the said Sum of by Distress and Sale of the Goods and Chattels of the said : And whereas it appears by the Return of Constable of dated the Day of that he hath made diligent Search for but doth not know of nor can find any Goods and Chattels of the said by Distress and Sale whereof the said Sum of may be levied, pursuant to my said Warrant: These are therefore to command you, the said Constable of to apprehend the said and convey him to the said House of Correction at aforesaid, and deliver him there to the Keeper of the said House of Correction; and these are also to command you the Keeper of the said House of Correction to receive him the said into the said House of Correction, and there keep him, without Bail or Mainprise, for the Space of Months, unless the said Sum of so ordered to be paid as aforesaid shall be sooner satisfied, with all reasonable Expenses.

Given under my Hand and Seal at the Day of .

FORM OF COMMITMENT WHERE THE WARRANT OF DISTRESS IS WITHHELD.

[*Here name the County.*] To the Constable of and also to the Keeper of the House of Correction at .

WHEREAS of under an Award made by on the Day of in the Year of our Lord , pursuant to an Act passed in the Twenty-first of the Reign of Her present Majesty, intituled "An Act" [*state the Title of this Act*], became liable to pay to the Sum of and also the Sum of for Costs, Time, and Expenses, making together the Sum of , which he has refused or neglected to pay for the Space of Two Days and upwards subsequent to the making of such Award: And whereas it appears to me that the Recovery of such Sum and Warrant of Distress and Sale of the Goods and Chattels of the said will be attended with Consequences ruinous or in an especial Manner injurious to the Defaulter [*and his Family, if any*], and I therefore have determined to withhold such Warrant, and to commit the said to Prison, pursuant to the said Act: These are therefore to command

you, the said Constable of , to apprehend the said , and convey him to the said House of Correction at aforesaid, and to deliver him there to the Keeper of the said House of Correction; and these are also to command you, the Keeper of the said House of Correction, to receive him, the said , into the said House of Correction, and there keep him, without Bail or Mainprise, for the Space of Months, unless the said Sum of so ordered to be paid as aforesaid, shall be sooner satisfied, with all reasonable Expenses.

Given under my Hand and Seal at the Day of .

FORM OF VOTING PAPER FOR MEMBERS OF COUNCIL.

I *A.B.*, registered Voter of , by Trade or Occupation a , do hereby vote for the following Persons to be Members of the Council of Conciliation and Arbitration for the of in the County of .

Names.	Abode.	Description.

Signed this Day of 18 .

This Voting Paper must be delivered on or before the Day of 18 .

Clerk.

Equitable Councils of Conciliation.

A

B I L L

On Equitable Councils of Conciliation.

(*Prepared and brought in by Mr. Mackinnon and Mr. Ingham.*)

Ordered, by The House of Commons, *to be Printed*, 30 *July* 1858.

[Bill 248.]

Under 2 *oz.*

15 *July* 1858. 21 & 22 Vict.

A

BILL

TO

Enable Committees of the House of Commons on Private Bills to take Evidence upon Oath.

WHEREAS it is expedient to assimilate the Mode of taking Evidence in Committees on Private Bills in the Two Houses of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Any Select Committee of the House of Commons to which any Private Bill has been referred by the House may examine Witnesses upon Oath, which Oath the Clerk attending such Committee may administer. Committee on Private Bills may examine on Oath.

II. Any Person examined as aforesaid who shall wilfully give false Evidence shall be liable to the Penalties of Perjury. False Evidence to be Perjury.

Evidence on Oath (Private Bill Committees).

A

BILL

To enable Committees of the House of Commons on Private Bills to take Evidence upon Oath.

(*Prepared and brought in by Colonel Wilson Patten and Mr. Henley.*)

Ordered, by The House of Commons, *to be Printed,* 15 *July* 1858.

[Bill 217.]

Under 1 *oz.*

27 *April* 1858. 21 Vict.

A

BILL

FOR

Raising a Sum by Exchequer Bonds.

Most Gracious Sovereign,

WE Your Majesty's most dutiful and loyal Subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty, have resolved to give and grant unto Your Majesty the Sum hereinafter mentioned, and do therefore most humbly beseech Your Majesty, that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time, but not later than the *Thirty-first Day of March One thousand eight hundred and fifty-nine*, to cause any Number of Exchequer Bonds to be made out at the Receipt of the Exchequer at Westminster for such Sum or Sums of Money as they shall direct, not exceeding in the whole the Sum of *Two Millions*, and such Bonds shall bear such Interest as shall be determined by the said Commissioners, not exceeding *Three Pounds Ten Shillings* per Centum per Treasury may cause Exchequer Bonds to be made for not exceeding 2,000,000*l.*

per Annum, and shall be paid off at Par at the Expiration of any Period or Periods not exceeding *Six* Years from the Date of such Bonds.

Interest on Bonds and Repayment of Principal Money.

II. The Interest on such Bonds shall be paid half-yearly on such Days as shall be appointed by the said Commissioners, and shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof; and the Principal Monies secured by such Bonds shall be repaid out of any Aids or Supplies which, at or after the Time when such Principal Monies shall become payable, shall be in the Bank of England standing to the Credit of the Exchequer.

Treasury may cause Exchequer Bonds to be prepared and issued.

III. The Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under their Hands, cause or direct the Exchequer Bonds to be issued under the Authority of this Act to be prepared for such Principal Sums, not less in any Case than *One hundred* Pounds, together with Receipts or Certificates specifying the Interest from Time to Time accruing thereon, to be made out in such Manner and Form and bearing such Date as shall be fixed by the said Commissioners; and such Exchequer Bonds and the Interest accruing thereon respectively shall be transferable by the Delivery of such Bonds and of the Receipts or Certificates for such Interest thereon respectively; and the said Commissioners may from Time to Time, subject to the Provisions herein contained, prescribe and regulate how and by what Officer or Officers such Exchequer Bonds shall be signed or otherwise authenticated, and how and to whom the same shall be issued, and provide for the Manner of Payment of the Interest accruing thereon, and also for the Issue of new Bonds in lieu of any such Bonds worn or defaced which may be delivered up to be cancelled, and for the Issue of new Bonds in lieu of such Exchequer Bonds as may be lost, at such Times, upon such Securities, and under such Conditions and Precautions as they may think fit, and generally make such Regulations for the Safety and Convenience of the Holders of such Bonds, and the Payment of Interest upon the Production or Delivery of such Receipts or Certificates, or otherwise, as they may think fit.

Application of Clauses 16, 17, 18, and 19 of 17 & 18 Vict. c. 23.

IV. The several Sections Sixteen, Seventeen, Eighteen, and Nineteen of the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Twenty-three, shall apply and be construed to and in relation to the Exchequer Bonds to be prepared under the Authority of this Act, in like Manner as if such several Sections had been repeated and re-enacted in this Act.

V. It

V. All such Sums of Money as shall be raised by Exchequer Bonds to be made out in pursuance of this Act shall be paid to the Account of Her Majesty's Exchequer at the Bank of England, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Money raised to be paid to the Consolidated Fund.

VI. It shall be lawful for the Governor and Company of the Bank of England to advance or lend to Her Majesty, upon the Credit of the Exchequer Bonds to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of *Two Millions*, (anything in an Act passed in the Session holden in the Fifth and Sixth Years of King William and Queen Mary, Chapter Twenty, or in any subsequent Act, notwithstanding;) and also for the Commissioners for the Reduction of the National Debt to invest in the Purchase of Exchequer Bonds issued under the Authority of this Act any Money in their Hands on account of Savings Banks.

Bank of England may advance Two Millions on the Credit of Bonds, and Commissioners of National Debt may invest Money on account of Savings Banks in Purchase of Bonds.

Exchequer Bonds (£2,000,000).

A

BILL

For raising a Sum by Exchequer Bonds.

(Prepared and brought in by Mr. FitzRoy, Mr. Chancellor of the Exchequer, and Mr. Hamilton.)

Ordered, by The House of Commons, *to be Printed,* 27 *April* 1858.

[Bill 65.]

Under 1 *oz.*

A

BILL

FOR

Granting certain additional Rates and Duties of Excise.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the Supply granted to Your Majesty, have freely and voluntarily resolved to give and grant unto Your Majesty the several additional Rates and Duties of Excise herein respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of Duties of Excise.

I. There shall be charged, raised, levied, collected, and paid, unto and for the Use of Her Majesty, Her Heirs and Successors, the following additional Duties of Excise; that is to say,

For and upon every Gallon of Spirits of the Strength of Hydrometer Proof which on or after the *Nineteenth Day of April One thousand eight hundred and fifty-eight* shall be distilled in Ireland, or be in the Stock, Custody, or Possession of any Distiller in Ireland, or of any Person in trust for him or for his

Use, Benefit, or Account, or which, having been distilled in England, Scotland, or Ireland, shall on or after the said Day be in Warehouse in Ireland, and be taken out of Warehouse for Consumption in Ireland, or which, having been taken out of Warehouse in England or Scotland for Removal to Ireland, shall on or after the said Day be brought into Ireland, the additional Duty of *One Shilling and Tenpence*, and so in proportion for any greater or less Degree of Strength or any greater or less Quantity:

And for and upon every Gallon of Spirits of the Nature or Quality of plain British Spirits of the Strength of Hydrometer Proof, manufactured or distilled in the Islands of Guernsey, Jersey, Alderney, and Sark respectively, and imported from any of the said Islands into Ireland, there shall be charged and paid, on and after the *Nineteenth Day of April One thousand eight hundred and fifty-eight*, in lieu of the Countervailing Duties of Excise now chargeable thereon under any Act or Acts in force, the Countervailing Duty of Excise of *Nine Shillings*, and so in proportion for any greater or less Degree of Strength or any greater or less Quantity.

No Drawback to be allowed on made Wines.

II. No Drawback of Excise shall be allowed or paid for or upon any Made Wines which on or after the *Nineteenth Day of April One thousand eight hundred and fifty-eight* shall be removed from England or Scotland to Ireland.

Duties, &c. to be under the Management of the Commissioners of Inland Revenue, and to be collected and paid under the Provisions of Acts relating to Excise.

III. The said several Duties by this Act granted and imposed shall be under the Management of the Commissioners of Inland Revenue, and shall be charged, raised, levied, collected, recovered, paid, and applied in such and the like Manner, and by the same Ways, Means, and Methods, by which other Duties of Excise upon or in respect of Goods or Commodities of the same Sorts or Kinds respectively are or may be respectively charged, raised, levied, collected, recovered, paid, and applied; and all Acts relating to the Duties of Excise, and all Fines, Forfeitures, Pains, and Penalties for any Offence against or in breach of any Act for securing Duties of Excise, or for the Regulation or Improvement thereof, and the several Clauses, Provisions, Powers, and Directions contained in such Acts, shall and are hereby directed and declared (except as altered by this Act) to extend to and shall be respectively applied, practised, and put in execution for and in respect of the said Duties hereby granted and imposed respectively, in as full and ample a Manner, to all Intents and Purposes, as if all and every the said Acts, Clauses, Provisions, Powers, and Directions, Pains, Penalties, and Forfeitures, were particularly

particularly repeated and re-enacted in the Body of this Act with reference to the said Duties hereby granted and imposed as aforesaid.

Where Contracts have been made before, the additional Duties to be added to the Price of the Articles contracted for.

IV. And whereas Contracts or Agreements may have been made for the Sale or Delivery of some of the Goods or Commodities on which increased or additional Duties of Excise are by this Act granted and imposed, which Contracts or Agreements may have been made with no Reference to such additional Duties, and thereby the several Contractors may be materially affected: For Remedy thereof be it enacted, That every Person who shall have made or entered into any such Contract or Agreement shall be and is hereby authorized and empowered, in the Case of any such Contract or Agreement, to add so much Money as will be equivalent to the increased or additional Duty hereby granted on any such Goods or Commodities respectively to the Price thereof, and shall be entitled by virtue of this Act to be paid and to sue for and recover the same accordingly.

Excise Duties.

A

BILL

For granting certain additional Rates and Duties of Excise.

(*Prepared and brought in by Mr. FitzRoy, Mr. Chancellor of the Exchequer, and Mr. Hamilton.*)

Ordered, by The House of Commons, *to be Printed*, 21 *April* 1858.

[Bill 52.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to Accidents, and to provide for the more general Education of young Persons above Thirteen and under Sixteen Years of Age employed in Factories.

Preamble.

WHEREAS it is desirable to amend the existing Factory Acts with reference to the Notice of Accidents: And whereas it is further desirable to amend the Educational Clauses of such existing Acts, so as to secure the more general Education of young Persons above *Thirteen* and under *Sixteen* Years of Age employed in Factories: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this Parliament assembled, and by the Authority of the same, as follows:

7 & 8 Vict. c. 15. s. 22. as to Notice of Accidents repealed, and other Provision made.

I. Section Twenty-two of the Act of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Fifteen, shall as regards all Accidents occurring in any Factory after the *Thirty-first of December in the Year One thousand eight hundred and fifty-eight* be repealed; and if any Accident shall occur in any Factory which shall have been occasioned by Mill Gearing or Machinery in Motion, and which shall cause any bodily Injury to any Person employed therein of such Severity as to prevent the Person so injured from returning to his ordinary Work in the Factory within *Forty-eight Hours* of such

Accident, the Occupier of the Factory, or in his Absence his principal Agent, shall within *Three Days* of such Absence send a Notice thereof in Writing to the Surgeon appointed to grant Certificates of Age for the District in which the Factory is situated, in which Notice the Place of Residence of the Person injured or the Place to which he may have been removed shall be stated, and the Surgeon shall proceed and act as by Section Twenty-three of the said Act is directed in the Case of the Receipt of such Notice as therein mentioned.

No Surgical Certificate to be granted for a young Person without Production of Educational Certificate.

II. After the *Thirty-first Day of December in the Year One thousand eight hundred and sixty* no Surgical Certificate shall be granted to or for any young Person of the Age of *Thirteen* and under *Sixteen* Years before his Employment in a Factory, unless he shall produce to the Certifying Surgeon at the Time of his Examination an Educational Certificate from a competent Schoolmaster, according to the Forms and Directions contained in the Schedule (A.) to this Act, and the Certifying Surgeon shall add to the Surgical Certificate, but before his Signature, the Words mentioned in this Behalf in the Schedule (B.); and where after the said *Thirty-first Day of December in the Year One thousand eight hundred and sixty* it would have been necessary if this Act had not been passed for the Occupier of a Factory to obtain a Surgical Certificate for any young Person before employing such young Person therein, such Occupier shall before so employing such young Person obtain a Surgical Certificate with such Addition thereto as aforesaid, and also the Educational Certificate referred to therein; and such Occupier shall keep and be bound to produce such Educational Certificate when required to the Inspector or Sub-Inspector; and such Educational Certificate shall be affixed in the "Age Certificate Book," contiguous to the Surgical Certificate for the same young Person, and shall be numbered with the same Number as such Surgical Certificate, and shall be valid for the same Employment for which such Surgical Certificate shall be valid in the same Factory, and when such young Person shall leave the said Factory he shall be entitled to receive back, on Demand, the said Educational Certificate, which shall be available in other Factories.

Inspector may by Notice annul the Educational Certificates of Schoolmasters found disqualified.

III. If an Inspector, on his personal Examination or on the Report of a Sub-Inspector, be of opinion that any Schoolmaster who grants Educational Certificates is unfit to instruct Children, by reason of his Incapacity to teach them to read and write, from his gross Ignorance, or from his not having the Books and Materials necessary to teach them Reading and Writing, or because of his immoral Conduct,

duct, the Inspector may, in like Manner as with the Certificate of School Attendance, annul such Educational Certificate granted by such Schoolmaster by a Notice in Writing addressed to the Occupier of the Factory in which the young Person named in such Certificate is employed, or his principal Agent, and after the Day of the Date of such Notice no Educational Certificate granted by such Schoolmaster for Employment in any Factory shall be valid for the Purposes of this Act unless with the Consent in Writing of an Inspector, and every Educational Certificate so annulled as aforesaid, and the Surgical Certificate granted on Production, shall be void so far as respects the Employment of such young Person after the Day of the Date of such Notice, and such Employment shall be unlawful, in like Manner as if such Educational and Surgical Certificates had not been obtained.

Inspector or Sub-Inspector may suspend Educational Certificate.

IV. If it shall appear to an Inspector or Sub-Inspector on personal Examination that any young Person for whom the Surgical and Educational Certificates required by this Act have been obtained is not qualified in manner mentioned in such First or Lowest Class Educational Certificate, he may from Time to Time suspend such Certificate by Writing across the same the Word "Suspend," with the Name and the Date of the Suspension, and any Certificate so suspended shall remain so suspended for any Period not exceeding *Six Months* from the Day of the Date of such Suspension, unless and until the Suspension be sooner cancelled as herein provided; and when and so soon as it appears to an Inspector or Sub-Inspector on personal Examination that the young Person named in such Certificate is qualified as therein mentioned, such Inspector or Sub-Inspector shall cancel such Suspension by Writing across the Certificate "Suspension cancelled," with his Name and the Date of the Cancellation; and while such Certificate is suspended the Employment of the young Person named therein shall be unlawful in like Manner as if such Certificate and the Surgical Certificate granted on Production thereof had not been obtained, and the Production of the Certificates shall be Evidence that the same was suspended or the Suspension thereof cancelled (as the Case may require) as thereon mentioned.

A young Person for whom the Certificates required by this Act are not obtained may be employed as a Child.

V. Any young Person for whom the Surgical and Educational Certificates required by this Act for rendering lawful his Employment as a young Person shall not have been obtained may be employed in a Factory as if he were a Child, and not otherwise, and all Provisions in relation to the Employment of a Child in a Factory, and to a Child employed therein, shall accordingly be applicable to and in the Case of the Employment in a Factory of any young Person for whom the

the Certificates required by this Act as aforesaid shall not have been obtained, and to such young Person as if he were a Child.

Acts to be construed together as One Act.

VI. The said Act of the Seventh and Eighth Years of Her Majesty, and the Act therein referred to as the "Factory Act," and Acts by which the said Act of the Seventh and Eighth Years of Her Majesty has been amended, and this Act, shall be construed together as One Act.

SCHE-

SCHEDULES to which this Act refers.

A.

EDUCATIONAL CERTIFICATE for a Young Person to be employed in the Factory of situate at in . No.

I, of hereby certify, That can read tolerably, spell simple Words correctly from Dictation, write legibly. 1st CLASS (Lowest).

[*If the Schoolmaster be of opinion that the young Person is entitled to a higher Class Certificate, he may fill up either of the annexed Forms as the Qualifications of the young Person may permit; provided always, that the first or lowest Class Certificate is the only one required for the Purposes of this Act.*]

[Can read fluently, write from Dictation, work the first Four Rules of Arithmetic, answer Questions on the Map of England, and parse an easy Sentence.] 2d CLASS (Middle).

[Can read fluently, write from Dictation, answer Questions in Arithmetic generally, in Geography (general Outline), in English Grammar, and on the Outlines of English History.] 3d CLASS (Highest).

[*For a Female, add*] and can sew neatly, and knit and darn Stockings.

(Signed) Schoolmaster [*or* Schoolmistress].

Dated the day of 18 .

B.

To be added to the Surgical Certificate.

And I further certify, That the Educational Certificate, No. for the said granted by of and dated the day of has been produced to me.

Factories.

A

BILL

To amend the Law relating to Accidents, and to provide for the more general Education of young Persons above Thirteen and under Sixteen Years of Age employed in Factories.

(*Prepared and brought in by Mr. Akroyd, Mr. Cobbett, and Mr. Edwards.*)

Ordered, by The House of Commons, *to be Printed,* 20 *July* 1858.

[Bill 229.]

Under 1 *oz.*

17 *June* 1858. 21 Vict.

(Ireland.)

A

B I L L

FOR

Enabling the Commissioners of Public Works in Ireland to acquire certain Lands and Houses for the Site of a new Court or Courts of Law, and other Offices and Buildings required for the Public Service, in Extension of the Four Courts in the City of Dublin; and for other Purposes.

WHEREAS it is expedient to erect a new Court or Courts of Law and other Offices and Buildings adjacent to, and in Extension of the Four Courts in the City of Dublin, and to form a new Street in connexion therewith, and certain Lands and Houses situate in the Parish of Saint Michan in the said City would be a suitable Site for the Purposes aforesaid, which Lands and Houses are described in the Schedule to this Act, and delineated on a Plan thereof of which Copies have been deposited for public Inspection at the Office of the Clerk of the Peace for the County of the City of Dublin: And whereas it is expedient that the Commissioners of Public Works should obtain compulsory Powers for the Purchase of the Estate, Interest, and Rights of all Persons in the said Lands and Houses; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Preamble.

Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Construction of Terms.

I. In the Construction of this Act the following Words and Expressions, if not inconsistent with the Context, shall have the Meaning herein-after assigned to them; (that is to say,)

The Word "Commissioners" shall mean the Commissioners of Public Works in Ireland, or any Two of them:

"Lord Lieutenant" shall mean the Chief Governor or Governors of Ireland for the Time being:

"Lands and Houses" or "Lands" shall mean and include Grounds, Houses, Tenements, Messuages, and Hereditaments, and the Ground and Soil of such Streets, Courts, Alleys, Ways, Paths, or Passages as are authorized to be stopped up or enclosed under the Provisions of this Act, and all Public and Private Rights and Privileges in, over, or upon the same:

"Lease" shall include an Agreement for a Lease:

"Party" shall extend to and include the Commissioners.

Short Title.

II. This Act may be cited for all Purposes as "The Four Courts (Dublin) Extension Act, 1858."

Provisions of 8 & 9 Vict. c. 18. extended to this Act, so far as same may be applicable.

III. The Provisions of "The Lands Clauses Consolidation Act, 1845," save and except such Parts thereof as relate to Compensation for any Damage or Injury to any Lands by reason of the Execution of any Works, shall, so far as the same may be applicable to and are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof; and in the Construction of this Act, and the said Act incorporated herewith, this Act shall be deemed to be the "Special Act."

Commissioners of Public Works to be a Corporation for the Purposes of this Act

IV. The Commissioners of Public Works in Ireland for the Time being and their Successors shall, for the Purposes of this Act, be a Corporation, by the Name or Style of "The Commissioners of Public Works in Ireland," and by that Name, for the Purposes of this Act, shall have perpetual Succession and a Common Seal, to be by them made and from Time to Time altered as they shall think fit, and shall and may sue and be sued, plead or be impleaded, in all Courts and before all Justices and others, and in that Capacity shall be deemed Promoters of the Undertaking authorized to be executed by this Act.

Power to purchase Lands and Houses.

V. It shall be lawful for the Commissioners, with the Approval and under the Direction of the Commissioners of Her Majesty's Treasury, and

and they are hereby authorized, out of any Monies appropriated or which may be appropriated by Parliament for the Purpose, or may be otherwise applicable thereto, to purchase, compulsorily or by Agreement, enter on, and hold, the whole or any Part of the Lands and Houses mentioned and described in the Schedule to this Act, and delineated on the Map or Plan deposited as aforesaid, which shall be required for the Purposes of this Act, and to pull down and remove the Buildings thereon when so purchased, and to erect and maintain on the Site of such Houses, or any Part thereof, or on the said Lands or any Part thereof, such new Court or Courts, Offices, and Buildings, with all necessary Enclosures and Erections, as they may, with the Sanction of the Commissioners of Her Majesty's Treasury, think proper and requisite for the Public Service, and, after the Completion of such Purchase, all Rights in, over, or affecting the said Lands and Houses shall be extinguished, and the said Lands shall be vested in the Commissioners in trust for Her Majesty, Her Heirs and Successors: Provided always, that it shall not be necessary for any Persons, interested in the Lands so purchased, to ascertain that such Consent has been given, nor shall the Commissioners be required to produce to any such Person any Evidence of such Consent.

Errors and Omissions in Schedule may be corrected by Two Justices, who may certify the same.

VI. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands or Houses, or of the Owners, Lessees, and Occupiers of any Lands or Houses mentioned in the Schedule to this Act annexed, the Commissioners, after giving *Ten* Days Notice to the Owners, Lessees, and Occupiers of the Lands or Houses affected by such proposed Correction, may apply to Two Justices of the Peace for the Correction thereof, and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, Mis-statement, or erroneous Description, and such Certificate shall be deposited with the Clerk of the Peace for the County of the City of Dublin, and such Certificate shall be kept by such Clerk of the Peace with the other Documents to which it relates, and thereupon such Schedule shall be deemed to be so corrected according to such Certificate, and the Commissioners may take any Lands or Houses in accordance with such Certificate, as if such Omission, Mis-statement, or erroneous Description had not been made.

Power to make Street according to Plans.

VII. Whereas Plans and Sections of the said new Street showing the Line and Level thereof have been deposited with the Clerk of the Peace for the County of the City of Dublin: Subject therefore to the Provisions in this Act and the Act incorporated herewith contained, it shall be lawful for the Commissioners to make the

following Road, Street, or Carriageway, with all proper Works and Conveniences connected therewith, in the Lines delineated on the said Plans, and according to the Levels described on the said Section; that is to say, a Road, Street, or Carriageway commencing on the Western Side of Greek Street, in continuation of Pill Lane, and terminating on the Eastern Side of Church Street Old, with all necessary Approaches and Conveniences connected therewith, which Road, Street, or Carriageway and other Works will be situate in the Parish of Saint Michan in the City of Dublin.

Lateral Deviations.

VIII. It shall be lawful for the Commissioners to deviate from the Line of such Road, Street, or Carriageway delineated on the Plans so deposited, provided that no such Deviation shall extend beyond the Lands described upon the said Plans.

New Street when made to be kept in repair by the Persons liable to repair the Streets of the District.

IX. When and so soon as such Road, Street, or Carriageway shall have been made as aforesaid, the same shall for ever thereafter be maintained and kept in repair by and at the Expense of such Corporations or Persons as are liable to repair the Streets and Thoroughfares of the District in which such Road, Street, or Carriageway shall be situate.

Power to stop up or alter Streets and Ways.

X. It shall be lawful for the Commissioners to stop up, alter, or otherwise vary, all such Streets, Courts, Alleys, Ways, Paths, or Passages connected with or adjoining the Lands and Houses authorized to be purchased as aforesaid as shall be necessary for the Purposes of this Act; and the Ground and Soil of such Streets, Courts, Alleys, Ways, Paths, or Passages, or Parts thereof respectively, as shall be so stopped up, altered, or otherwise varied, shall be and the same are hereby vested in the Commissioners and their Successors for the Purposes of this Act.

Streets may be raised or lowered.

XI. It shall be lawful for the Commissioners and they are hereby empowered to raise or lower the Ground of any Streets or Ways which shall communicate with the Court or Courts, Offices, or Buildings so to be erected as aforesaid, or any Part or Parts thereof.

Commissioners may stop up Sewers, &c.

XII. It shall be lawful for the Commissioners to stop up all or any of the Sewers, Drains, and Pipes on or near to, under, through, or over any of the Lands mentioned in the said Schedule, they, the said Commissioners, making, opening, or laying down another sufficient Sewer, Drain, or Pipe, when requisite, in lieu of the one stopped up.

Power to sell Materials of Houses pulled down.

XIII. It shall be lawful for the Commissioners, if they shall see fit, to sell or cause to be sold the Materials of the Houses and other

other Buildings so to be taken down or removed, and the Monies produced by the Sale thereof, (after deducting the Expenses of pulling down such Houses and Buildings respectively, and of such Sale or Sales,) and also the Rents and Profits of such Lands and Houses as may be purchased or taken by virtue of this Act, until the same shall be pulled down or cleared, shall be received and applied by the Commissioners for the Purposes of this Act.

Commissioners to Account.

XIV. The Commissioners shall from Time to Time render such Accounts of all Monies which shall be received by them for the Purposes or under the Authority of this Act as they are now required to render of the Expenditure of other Public Monies received by them under the Provisions of any Act or Acts.

Commissioners may sell surplus Lands.

XV. It shall be lawful for the Commissioners from Time to Time, in such Manner as they may deem most advantageous, with Consent of the Commissioners of Her Majesty's Treasury, to sell or in any Manner dispose of, all or any of the Lands and Houses purchased or acquired by them under the Authority of this Act, and which may not be required for the Purposes aforesaid.

Powers for compulsory Purchase of Lands limited.

XVI. The Powers of the Commissioners for the compulsory Purchase or taking of Lands shall not be exercised after the Expiration of *Five* Years from the passing of this Act.

Commissioners to deliver Maps, Schedules, and Estimates at Office of Under Secretary at Dublin Castle, and deposit Copies with Clerk of Peace.

XVII. In order to acquire the said Lands and Houses without Delay, and at the least possible Expense, the Commissioners shall from Time to Time cause to be made out and to be signed by their Secretary, Maps or Plans and Schedules of the Lands and Houses for the Purchase of which or of all the several Interests in which the Commissioners shall not have contracted, together with the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands and Houses respectively, so far as the same can be reasonably ascertained; and every such Map or Plan shall be upon a Scale of not less than *One Inch* to every Two hundred Feet, and all Lands, Buildings, Yards and Courtyards, and Lands within the Curtilage of any Building and Ground cultivated as a Garden shall be marked thereon with distinct Numbers corresponding with the Numbers marked upon the Map or Plan hereinbefore referred to, showing the Lands and Houses required for the Site of the said intended Court or Courts, Offices, and Buildings, and the other Purposes connected therewith; and the Commissioners shall deposit such Maps or Plans, and Schedules, at the Office of the Chief or Under Secretary of the Lord Lieutenant,

Dublin Castle, and a Copy of such Maps or Plans, and Schedules, with the Clerk of the Peace for the County of the City of Dublin.

Power to appoint a Valuator on Application to Commissioners.

XVIII. After such Deposit at the Office of the Chief or Under Secretary as aforesaid, it shall be lawful for the Lord Lieutenant, upon the Application of the Commissioners, to appoint a fit Person to be a Valuator under this Act, and if any such Valuator die, or refuse or become incapable to act, the Lord Lieutenant may, as often as the same may happen, appoint a Valuator in his Place, who shall have the same Powers and Authorities as the Valuator first appointed.

Valuator may call for Documents and administer Oaths.

XIX. The Valuator may call for the Production of any Documents in the Possession or Power of the Commissioners, or of any Party making any Claim under the Provisions of this Act, which such Valuator may think necessary for determining any Question or Matter to be determined by him under this Act, and may examine any such Party and his Witnesses and the Witnesses for the Commissioners on Oath, and administer the Oaths necessary for that Purpose.

Valuator, &c. to make and subscribe Declaration.

XX. Before any Valuator, or any Arbitrator or Umpire who may be appointed as herein-after provided, shall enter upon any Inquiry, he shall in the Presence of a Justice of the Peace make and subscribe the following Declaration:

'I *A.B.* do solemnly and sincerely declare that I will faithfully and 'honestly, and to the best of my Skill and Ability, hear and 'determine the Matters referred to me under the Provisions of '"The Four Courts (Dublin) Extension Act, 1858."

'Made and subscribed in the Presence of .'

And such Declaration when made shall be lodged with the Commissioners, and if any Valuator, Arbitrator, or Umpire, having made such Declaration, shall wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Maps, &c. deposited with Chief or Under Secretary to be delivered to Valuator.

Notice of Appointment of Arbitrator, &c. to be published.

XXI. Upon the Appointment of a Valuator as aforesaid the Chief or Under Secretary of the Lord Lieutenant shall deliver to such Valuator the Maps or Plans, and Schedules, deposited at his Office, as herein-before required; and the Commissioners shall forthwith after such Appointment publish a Notice of such Appointment and of such Deposits as herein-before directed with such Clerk of the Peace as aforesaid, once in the Dublin Gazette and once in each of *Two* successive Weeks in some One and the same Newspaper circulated in the County of the City of Dublin, stating the Times and Places of such Deposits, and requiring all Persons claiming to have any

any Right to or Interest in the Lands required for the Purposes of this Act, and specified in such Maps and Plans, to deliver to the Valuator on or before a Day fixed by the Valuator, and named in such Notice (and which Day shall not be earlier than *Seven* Days from the Date of the Insertion of the last of such Newspaper Notices), a short Statement in Writing of the Nature of such Claim; and upon the Appointment of any Valuator in the Place of a Valuator dying or refusing, declining, or becoming incapable to act, all the Documents relating to the Matter of the Valuation which were in the Possession of such Valuator shall be delivered to the Valuator appointed in his Place, and the Commissioners shall publish a Notice of such Appointment in the Dublin Gazette.

Valuator to adjudicate upon Compensation to be paid for Lands and Houses.

XXII. The Valuator shall, after the Expiration of the Period within which such Claims are required to be delivered to him as aforesaid, proceed to inquire and adjudicate upon the Value of the several Rights to or Interests in such Lands in respect of which no Agreement shall have been come to between the Commissioners and the Persons entitled thereto, and the Purchase Money to be paid for such Rights or Interests; and the Valuator shall, after due Inquiry and Examination, frame a Draft Award or Draft Awards setting forth the Price or Compensation to be paid by the Commissioners in respect of the several Rights to or Interests in the Lands so required and specified to be paid for the Purchase of any Rights or Interests in such Lands to which the Inquiry may relate; and such Draft Award or Awards and Copies thereof shall be deposited as herein-before directed concerning the said Maps or Plans, and Schedules, as aforesaid; and the Valuator shall cause Notice of such Award to be given to all Persons entitled to Payment under the same, where such Persons may be known to the Valuator, or who shall have been heard before such Valuator as Claimants for Compensation, and shall also cause Notice to be published of such Award once in the Dublin Gazette and once in each of *Two* successive Weeks in some One and the same Newspaper circulated in the County of the City of Dublin, and shall in such Notices appoint a Time and Place or Times and Places for holding a Meeting or Meetings to hear Objections against any such Draft Award (the First such Meeting to be not earlier than *Ten* Days after the First Day of Publication of the said Notice), and shall hold such Meeting or Meetings accordingly, and thereat hear and determine any Objections which may then and there be made to any such Draft Award by any Person interested therein, or adjourn the further hearing thereof, if the Valuator shall think fit to a future Meeting, and may take any Measures which he may deem proper for ascertaining the Value of any such Rights or Interests as aforesaid, or the Justice or Propriety of any other Matter of such

Draft Award, and may from Time to Time, if he shall see Occasion so to do, appoint and hold further Meetings for hearing and determining Objections to any such Draft Award; and when the Valuator has heard and determined all such Objections, and made such Inquiries as he may think necessary in relation thereto, and made such Alterations (if any) as he may deem proper in the Draft Award, he shall make his Award under his Hand and Seal accordingly, and every such Award shall be binding and conclusive, subject to the Provisions concerning Appeal herein-after contained, upon all Persons whomsoever, and no such Award shall be set aside for Irregularity in Matter of Form; and a Copy of every such Award shall be deposited with the Clerk of the Peace for the County of the City of Dublin, and the Commissioners shall thereupon publish Notice in some Paper circulated in the County of the City of Dublin once in each of *Two* successive Weeks of the Deposit of such Award as aforesaid, and requiring all Persons claiming to have any Right to or Interest in the Lands, the Price or Compensation to be paid in respect of which is ascertained by such Award, to deliver to the Commissioners, on or before a Day to be named in such Notice (such Day not being earlier than *Seven* Days from the Date of the last Publication of the Notice), a short Statement in Writing of the Nature of such Claim, and a short Abstract of the Title on which the same is founded.

Clerk of the Peace required to take charge of Documents deposited, as provided by 7 W. 4. & 1 Vict. c. 83.

XXIII. The Clerk of the Peace aforesaid is hereby required to retain the Documents to be deposited with him under this Act in his Custody, and to permit all Persons interested to inspect the same, and to make Copies and Extracts of and from the same in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided by an Act of the Session holden in the Seventh Year of King William the Fourth and First Year of Her present Majesty Chapter Eighty-three.

Expenses of Valuator to be borne by the Commissioners.

XXIV. The Salary or Remuneration, Travelling and other Expenses, of the Valuator, and all Costs, Charges, and Expenses (if any) which shall be incurred in carrying the Provisions of this Act into execution, shall be paid by the Commissioners.

As to Costs of Parties.

XXV. It shall be lawful for the Valuator, where he thinks fit, upon the Request of any Party by whom any Claim has been made before him, to certify the Amount of the Costs properly incurred by such Party in relation to the Valuation, and the Amount of the Costs so certified shall be paid by the Commissioners.

Receipts duly stamped to act as a Conveyance.

XXVI. In every Case in which any Monies are paid by the Commissioners under the Provisions of this Act for such Price or Compensation

pensation as aforesaid, the Party receiving such Monies shall give to the Commissioners a Receipt for the same, and such Receipt shall have the Effect of a Grant, Release, and Conveyance of all the Estate, Right, and Interest of such Party, and of all Parties claiming under or through him, in the Lands in respect of which such Monies are paid, so as such Receipt shall have an ad valorem Stamp of the same Amount impressed thereon in respect of the Purchase Monies mentioned in such Certificate as would have been necessary if such Receipt had been an actual Conveyance of such Estate, Right, or Interest; and every such Receipt shall be prepared by and at the Costs of the Commissioners.

Payment of Monies where Parties making Claim deemed not entitled, or are under Disability, or Title not satisfactorily deduced.

XXVII. If it appear to the Commissioners from any such Statement and Abstract as aforesaid, or otherwise, that the Party making any such Claim as aforesaid is not absolutely entitled to the Lands, Estate, Right, or Interest in respect of which his Claim is made, or is under any Disability, or if the Title to such Lands, Estate, Right, or Interest be not satisfactorily deduced to the Commissioners free from Incumbrance, then and in every such Case the Amount to be paid by the Commissioners in respect of such Lands, Estate, Right, or Interest, as aforesaid, shall be paid and applied as provided by the Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating or not making Title.

Commissioners may require further Evidence of Title at their own Costs.

XXVIII. Nothing herein contained shall prevent the Commissioners from requiring any further Abstract or Evidence of Title respecting any Lands included in such Award as aforesaid in addition to the Abstract or Statement herein-before mentioned, if they think fit, so as the same be obtained at the Costs of the Commissioners.

If either Party dissatisfied with Award of Valuator, Compensation to be settled by Arbitration.

XXIX. Where the Party claiming Compensation or the Commissioners shall be dissatisfied with the Award made by the Valuator, as herein-before mentioned, it shall be lawful for such Party or the Commissioners respectively to have the Question of Compensation settled by Arbitration upon either Party signifying such Desire by Notice in Writing to such other Party, and the Amount of Compensation so claimed shall in such Case be settled accordingly in the Manner provided in Sections Twenty-four to Thirty-seven, inclusive, of "The Lands Clauses Consolidation Act, 1845."

SCHEDULE.

The Parish of Saint Michan, in the City of Dublin.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	King's Inns Quay.			
1	House - -	Robert Jones Stavelly.	Miles Kehoe -	James Cooney.
2	House and Yard -	Robert Jones Stavelly.	Miles Kehoe, Mathew Anderson and Robert Campbell Lee.	Mathew Anderson and Robert Campbell Lee.
3	House, Stores, and small Yard.	Robert Jones Stavelly.	Charles Hopes, Charles Hope, Thomas Saunders.	Thomas Saunders.
7	House (Law Chambers).	The Hon. Society of King's Inns.	Nathaniel Callwell and Robert Callwell, Anthony O'Brien.	William Sullivan, Messrs. Tighe and McCready.
8	House (Law Chambers).	Same - - -	Same - - -	Mathew White, George Beamish, and Co.
9	House, Store, and Office.	Same - -	Nathaniel Callwell and Robert Callwell, John Doherty.	John Doherty.
10	House (Tavern) -	Same - -	Nathaniel Callwell, Robert Callwell, Francis Codd and Joseph Lemass, Patrick Fottrell.	Joseph Lemass.
11	House (The Angel Hotel).	Same - -	Nathaniel Callwell, Robert Callwell, John Bergin.	John Bergin.
12	House (The Angel Hotel).	Same - -	Nathaniel Callwell, Robert Callwell, William Ternan, John Bergin.	John Bergin.
13	House and Shop -	Mrs. Emma Moore -	None - -	John Brereton.
14	House and Shop -	Same - -	None - -	John Fisher and Patrick D'Arcy.
15	House, Shop, and Yard.	Same - - -	None - -	Johnston and Company.
15*a*	Open Passage at Rear of Houses.	The Hon. Society of King's Inns.	Nathaniel Callwell and Robert Callwell, Daniel O'Donnell and Alicia Kelly.	Daniel O'Donnell and Alicia Kelly.
	Morgan Place.			
1	House (Law Chambers).	Same - - -	Nathaniel Callwell, Robert Callwell, Anthony O'Brien.	John McNally, T. Faussit, James Fenton, Henry E. Jones, and William A. Drinan.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	Morgan Place—cont.			
2	House (Law Chambers).	The Hon. Society of King's Inns.	Anthony O'Brien -	Richard Rawson, Fergus Days.
3	Stable - -	Board of Works -	None - -	Board of Works.
4	Bakers Committee House and Yard.	Mrs. Elizabeth Garde	John Robertson -	Bakers Committee.
5	House - - -	Mrs. Elizabeth Garde	Peter Hughes, John Robertson.	Peter Hughes.
	Church Street.			
2	House, Shop, and small Yard.	Arthur Barlow, Esq.	William Geraghty	William Geraghty.
3	House and small Yard.	Same - -	None - -	John Doyle.
4	House and Yard -	Peter Barlow, Esq. -	James Kenny -	James Kenny.
5	House and Yard -	Same - -	Same - -	Same.
6	House and Yard -	Same - -	Same - -	Same.
7	House and Yard -	John O'Connell, Esq. P. J. Kearney, and Miss Ellen Ryan.	None - -	Michael Brittain.
8	House, Shop, and Yard.	Same - -	None - -	Same.
9	House and Yard -	Same - -	None - -	Anne Murphy.
10	House and Yard -	Same - -	None - -	Same.
11	House, Shop, Two Yards, and Three Stores.	Same - -	Daniel O'Donnell and Alicia Kelly.	Daniel O'Donnell and Alicia Kelly.
12	House, Office, and Yard.	Alexander Talbot Eustace Mapas.	Mary Scally, Michael Kelly.	Michael Kelly.
13	House, Office, and Yard.	Mrs. Clark and Mrs. Odlum.	None - -	Vacant.
14	House, Offices, and Yard.	Sarah Anne Scott and George Scott.	Daniel Dillon -	Daniel Dillon.
15	House, Office, and Yard.	Corporation of Dublin.	Mary Scally -	Mary Scally.
16	House, Offices, and Yard.	Corporation of Dublin.	James Tyrrell -	James Tyrrell.
17 & 18	Houses, Office, and Yard.	Corporation of Dublin.	Francis Hargrave	Francis Hargrave.
19	House, Office, and Yard.	Corporation of Dublin.	James Maher -	James Maher.
20	House, Office, and Yard.	Corporation of Dublin.	Francis Hargrave	Francis Hargrave.
21	House, Office, and Yard.	Alexander Talbot Eustace Mapas.	Michael Clarke -	Michael Clarke.
22	House, Office, and Yard.	Alexander Talbot Eustace Mapas.	Michael Clarke -	Michael Clarke.
22*a*	Offices and Yard -	Alexander Talbot Eustace Mapas.	Michael Clarke -	Michael Clarke.
23 & 24	House, Offices, and Yard.	Alexander Talbot Eustace Mapas.	Peter Mara - -	Peter Mara.
25	Building Ground -	William Crichton Chambers.	Martin Walter O'Byrne.	Vacant.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	Downes Court, or Michan's Villas.			
1	House	Corporation of Dublin.	Francis Hargrave	Francis Hargrave.
2	House	Do.	Do.	
3	House and Yard	Do.	Do.	
4	House	Do.	Do.	
5	House	Do.	Do.	
6	House	Do.	Do.	
7	House	Do.	Do.	
8	House	Do.	Do.	
	Chancery Place.			
1	House and Yard	Robert Peel Dawson	Thomas Duffy	William Nerney.
2	House	Same	Patrick Duff	Vacant.
3	House and Yard	Same	John Wellington Pepper, Representative of Anastatia, Elcanor, and Mary Woods.	John Wellington Pepper.
4	House and Yard	Same	John Moore, Representative of Ignatius Rossiter.	John Moore.
5	House	Same	James Cooke	James Keegan.
6	House and Yard	Same	Edward Drummond	Edward Drummond.
7	House and small Yard	Same	Richard Seery	John Kent.
8	House and small Yard	Same	None	Allan Bacchus.
9	House	Same	John Egan	John Egan.
10	House	Same	John Hutton	John Hutton.
	Mountrath Street.			
1	House	Sir Charles Coote, Bart.	George Robert Hoey, Viscount Frankfort.	John Flanagan.
2	House	Same	Same	Same.
3	House	Same	Same	Same.
4	House and Yard	Same	George Robert Hoey.	Charles, Samuel, and George Eastwood.
4½	House	Same	George Robert Hoey Charles, Samuel, and George Eastwood, Thomas Saunders.	Thomas Saunders.
5	Yard	Board of Works	None	Board of Works.
6 & 7	House, Stores, and Yard.	Sir Charles Coote, Bart.	George Robert Hoey, Charles, Samuel, and George Eastwood, Edward Gatchell.	Edward Gatchell.
8	House	Same	George Robert Hoey, Charles, Samuel, and George Eastwood, Caleb Palmer.	Do.
9	House	Same	Samuel Alker, Henry Gorman, Edward Gatchell.	Do.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	Mountrath Street.—cont.			
10	House and small Yard	Sir Charles Coote, Bart.	Samuel Alker, Edward Gatchell.	Robert Orr and Michael Murphy, Official Assignees.
11	House - - -	Robert Peel Dawson	John Hutton -	Peter Callaghan.
	Charles Street, West.			
20	House and Yard -	Sir Charles Coote, Bart.	Samuel Alker, Owen Beatty.	Owen Beatty.
21	House and Yard -	Same - -	Samuel Alker, George Robert Hoey, Patrick Curtin.	Patrick Curtin.
22	House and Yard -	Same - -	Samuel Alker -	Patrick Mitchell.
23	House and Yard -	Same - -	Miss A. M. A. McKay.	John Flanagan.
24	House, Forge, and Yard.	Same - -	George R. Hoey, William Creighton Chambers, Patrick Curtin.	Patrick Curtin.
25	House, Forge, and Yard.	Same - -	G. R. Hoey, Michael Dalton.	Michael Dalton.
26	House - -	Same - -	G. R. Hoey, Viscount Frankfort.	John Flanagan.
27	House - -	Robert Peel Dawson	John Hutton -	Joseph Bownas.
28	House and Yard -	Robert Peel Dawson	John Egan - -	John Egan.
29	House and small Yard.	Same - -	None - -	John Hutton.
30	House and Yard -	Same - -	Richard Seery -	Richard Seery.
31	House and Yard -	Same - -	Edward Drummond	Edward Drummond.
32	House and Yard -	Same - -	James Cooke -	John Flanagan.
33	House and Yard -	Same - -	Peter Smith -	Peter Smith.
34	House and Yard -	Same - -	Michael Dalton -	Michael Dalton.
35	House and Yard -	Same - -	Richard Seery -	Richard Seery.
36	House - -	Same - -	Thomas Duffy -	William Nerney.
37	House - -	Robert Jones Stavelly	Miles Kehoe -	James Cooney.
	Pill Lane.			
27	House and Yard -	Rev. Nathaniel Poyntz.	Mrs. Elizabeth Nash, Christopher Ryder, Nicholas Crinion.	Nicholas Crinion.
28	House, Office, and Yard.	Same - -	Nicholas Crinion.	Nicholas Crinion.
29	House and Office -	Miss Dora Anne Strahan.	John Wilson, John Scally.	John Scally.
29*a*	Office - - -	Rev. Nathaniel Poyntz.	Mrs. Jane Sheil, William McKay, John Wilson, John Scally.	John Scally.
30	House, Offices, and Yard, also Gateway under No. 4, Anderson's Court.	Dora Anne Strahan -	Elizabeth and Jane Blizard, Rebecca Wilson, John Wilson.	Rebecca Wilson.
31	House, Office, and Yard.	Miss Elizabeth Johnstone, Mrs. Jane Popham, Samuel Lane Popham	John Wilson, Thomas Percival Swan, and Peter J. Kavanagh.	Peter J. Kavanagh, John Wilson and Son.

Four Courts (Dublin) Extension.

A

BILL

For enabling the Commissioners of Public Works in Ireland to acquire certain Lands and Houses for the Site of a new Court or Courts of Law, and other Offices and Buildings required for the Public Service, in Extension of the Four Courts in the City of Dublin; and for other Purposes.

(*Prepared and brought in by Lord Naas and Mr. Hamilton.*)

Ordered, by The House of Commons, *to be Printed*, 17 *June* 1858.

[Bill 143.]

Under 2 *oz.*

1 *July* 1858. 21 & 22 Vict.

(Ireland.)

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Enabling the Commissioners of Public Works in Ireland to acquire certain Lands and Houses for the Site of a new Court or Courts of Law, and other Offices and Buildings required for the Public Service, in Extension of the Four Courts in the City of Dublin; and for other Purposes.

WHEREAS it is expedient to erect a new Court or Courts and other Offices and Buildings adjacent to and in Extension of the Four Courts in the City of Dublin, and to form a new Street in connexion therewith, and certain Lands and Houses situate in the Parish of Saint Michan in the said City would be a suitable Site for the Purposes aforesaid, which Lands and Houses are described in the Schedule to this Act, and delineated on a Plan thereof, of which Copies have been deposited for public Inspection at the Office of the Clerk of the Peace for the County of the City of Dublin: And whereas it is expedient that the Commissioners of Public Works should obtain compulsory Powers for the Purchase of the Estate, Interest, and Rights of all Persons in the said Lands and Houses; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Preamble.

Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Construction of Terms.

I. In the Construction of this Act the following Words and Expressions, if not inconsistent with the Context, shall have the Meaning herein-after assigned to them; (that is to say,)

The Word "Commissioners" shall mean the Commissioners of Public Works in Ireland, or any Two of them:

"Lord Lieutenant" shall mean the Chief Governor or Governors of Ireland for the Time being:

"Lands and Houses" or "Lands" shall mean and include Grounds, Houses, Tenements, Messuages, and Hereditaments, and the Ground and Soil of such Streets, Courts, Alleys, Ways, Paths, or Passages as are authorized to be stopped up or enclosed under the Provisions of this Act, and all Public and Private Rights and Privileges in, over, or upon the same:

"Lease" shall include an Agreement for a Lease:

"Party" shall extend to and include the Commissioners.

Short Title.

II. This Act may be cited for all Purposes as "The Four Courts (Dublin) Extension Act, 1858."

Provisions of 8 & 9 Vict. c. 18. extended to this Act, so far as same may be applicable.

III. The Provisions of "The Lands Clauses Consolidation Act, 1845," save and except such Parts thereof as relate to Compensation for any Damage or Injury to any Lands by reason of the Execution of any Works, shall, so far as the same may be applicable to and are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof; and in the Construction of this Act, and the said Act incorporated herewith, this Act shall be deemed to be the "Special Act."

Commissioners of Public Works to be a Corporation for the Purposes of this Act.

IV. The Commissioners of Public Works in Ireland for the Time being and their Successors shall, for the Purposes of this Act, be a Corporation, by the Name or Style of "The Commissioners of Public Works in Ireland," and by that Name, for the Purposes of this Act, shall have perpetual Succession and a Common Seal, to be by them made and from Time to Time altered as they shall think fit, and shall and may sue and be sued, plead or be impleaded, in all Courts and before all Justices and others, and in that Capacity shall be deemed Promoters of the Undertaking authorized to be executed by this Act.

Power to purchase Lands and Houses.

V. It shall be lawful for the Commissioners, with the Approval and under the Direction of the Commissioners of Her Majesty's Treasury, and

and they are hereby authorized, out of any Monies appropriated or which may be appropriated by Parliament for the Purpose, or may be otherwise applicable thereto, to purchase, compulsorily or by Agreement, enter on, and hold, the whole or any Part of the Lands and Houses mentioned and described in the Schedule to this Act, and delineated on the Map or Plan deposited as aforesaid, which shall be required for the Purposes of this Act, and to pull down and remove the Buildings thereon when so purchased, and to erect and maintain on the Site of such Houses, or any Part thereof, or on the said Lands or any Part thereof, such new Court or Courts, Offices, and Buildings, with all necessary Enclosures and Erections, as they may, with the Sanction of the Commissioners of Her Majesty's Treasury, think proper and requisite for the Public Service, and, after the Completion of such Purchase, all Rights in, over, or affecting the said Lands and Houses shall be extinguished, and the said Lands shall be vested in the Commissioners in trust for Her Majesty, Her Heirs and Successors: Provided always, that it shall not be necessary for any Persons, interested in the Lands so purchased, to ascertain that such Consent has been given, nor shall the Commissioners be required to produce to any such Person any Evidence of such Consent.

Errors and Omissions in Schedule may be corrected by Two Justices, who may certify the same.

VI. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands or Houses, or of the Owners, Lessees, and Occupiers of any Lands or Houses mentioned in the Schedule to this Act annexed, the Commissioners, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands or Houses affected by such proposed Correction, may apply to Two Justices of the Peace for the Correction thereof, and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, Mis-statement, or erroneous Description, and such Certificate shall be deposited with the Clerk of the Peace for the County of the City of Dublin, and such Certificate shall be kept by such Clerk of the Peace with the other Documents to which it relates, and thereupon such Schedule shall be deemed to be so corrected according to such Certificate, and the Commissioners may take any Lands or Houses in accordance with such Certificate, as if such Omission, Mis-statement, or erroneous Description had not been made.

Power to make Street according to Plans.

VII. Whereas Plans and Sections of the said new Street showing the Line and Level thereof have been deposited with the Clerk of the Peace for the County of the City of Dublin: Subject therefore to the Provisions in this Act and the Act incorporated herewith contained, it shall be lawful for the Commissioners to make the

following Road, Street, or Carriageway, with all proper Works and Conveniences connected therewith, in the Lines delineated on the said Plans, and according to the Levels described on the said Section; that is to say, a Road, Street, or Carriageway commencing on the Western Side of Greek Street, in continuation of Pill Lane, and terminating on the Eastern Side of Church Street Old, with all necessary Approaches and Conveniences connected therewith, which Road, Street, or Carriageway and other Works will be situate in the Parish of Saint Michan in the City of Dublin.

Lateral Deviations.

VIII. It shall be lawful for the Commissioners to deviate from the Line of such Road, Street, or Carriageway delineated on the Plans so deposited, provided that no such Deviation shall extend beyond the Lands described upon the said Plans.

New Street when made to be kept in repair by the Persons liable to repair the Streets of the District.

IX. When and so soon as such Road, Street, or Carriageway shall have been made as aforesaid, the same shall for ever thereafter be maintained and kept in repair by and at the Expense of such Corporations or Persons as are liable to repair the Streets and Thoroughfares of the District in which such Road, Street, or Carriageway shall be situate.

Power to stop up or alter Streets and Ways.

X. It shall be lawful for the Commissioners to stop up, alter, or otherwise vary all such Streets, Courts, Alleys, Ways, Paths, or Passages connected with or adjoining the Lands and Houses authorized to be purchased as aforesaid as shall be necessary for the Purposes of this Act; and the Ground and Soil of such Streets, Courts, Alleys, Ways, Paths, or Passages, or Parts thereof respectively, as shall be so stopped up, altered, or otherwise varied, shall be and the same are hereby vested in the Commissioners and their Successors for the Purposes of this Act.

Streets may be raised or lowered.

XI. It shall be lawful for the Commissioners and they are hereby empowered to raise or lower the Ground of any Streets or Ways which shall communicate with the Court or Courts, Offices, or Buildings so to be erected as aforesaid, or any Part or Parts thereof.

Commissioners may stop up Sewers, &c.

XII. It shall be lawful for the Commissioners to stop up all or any of the Sewers, Drains, and Pipes on or near to, under, through, or over any of the Lands mentioned in the said Schedule, they, the said Commissioners, making, opening, or laying down another sufficient Sewer, Drain, or Pipe, when requisite, in lieu of the one stopped up.

Power to sell Materials of Houses pulled down.

XIII. It shall be lawful for the Commissioners, if they shall see fit, to sell or cause to be sold the Materials of the Houses and other

other Buildings so to be taken down or removed, and the Monies produced by the Sale thereof, (after deducting the Expenses of pulling down such Houses and Buildings respectively, and of such Sale or Sales,) and also the Rents and Profits of such Lands and Houses as may be purchased or taken by virtue of this Act, until the same shall be pulled down or cleared, shall be received and applied by the Commissioners for the Purposes of this Act.

Commissioners to account.

XIV. The Commissioners shall from Time to Time render such Accounts of all Monies which shall be received by them for the Purposes or under the Authority of this Act as they are now required to render of the Expenditure of other Public Monies received by them under the Provisions of any Act or Acts.

Commissioners may sell surplus Lands.

XV. It shall be lawful for the Commissioners from Time to Time, in such Manner as they may deem most advantageous, with Consent of the Commissioners of Her Majesty's Treasury, to sell or in any Manner dispose of, all or any of the Lands and Houses purchased or acquired by them under the Authority of this Act, and which may not be required for the Purposes aforesaid.

Powers for compulsory Purchase of Lands limited.

XVI. The Powers of the Commissioners for the compulsory Purchase or taking of Lands shall not be exercised after the Expiration of Five Years from the passing of this Act.

Commissioners to deliver Maps, Schedules, and Estimates at Office of Under Secretary at Dublin Castle, and deposit Copies with Clerk of Peace.

XVII. In order to acquire the said Lands and Houses without Delay, and at the least possible Expense, the Commissioners shall from Time to Time cause to be made out and to be signed by their Secretary, Maps or Plans and Schedules of the Lands and Houses for the Purchase of which or of all the several Interests in which the Commissioners shall not have contracted, together with the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands and Houses respectively, so far as the same can be reasonably ascertained; and every such Map or Plan shall be upon a Scale of not less than One Inch to every Two hundred Feet, and all Lands, Buildings, Yards and Courtyards, and Lands within the Curtilage of any Building and Ground cultivated as a Garden shall be marked thereon with distinct Numbers corresponding with the Numbers marked upon the Map or Plan hereinbefore referred to, showing the Lands and Houses required for the Site of the said intended Court or Courts, Offices, and Buildings, and the other Purposes connected therewith; and the Commissioners shall deposit such Maps or Plans, and Schedules, at the Office of the Chief or Under Secretary of the Lord Lieutenant,

Dublin Castle, and a Copy of such Maps or Plans, and Schedules, with the Clerk of the Peace for the County of the City of Dublin.

Power to appoint a Valuator on Application to Commissioners.

XVIII. After such Deposit at the Office of the Chief or Under Secretary as aforesaid, it shall be lawful for the Lord Lieutenant, upon the Application of the Commissioners, to appoint a fit Person to be a Valuator under this Act, and if any such Valuator die, or refuse or become incapable to act, the Lord Lieutenant may, as often as the same may happen, appoint a Valuator in his Place, who shall have the same Powers and Authorities as the Valuator first appointed.

Valuator may call for Documents and administer Oaths.

XIX. The Valuator may call for the Production of any Documents in the Possession or Power of the Commissioners, or of any Party making any Claim under the Provisions of this Act, which such Valuator may think necessary for determining any Question or Matter to be determined by him under this Act, and may examine any such Party and his Witnesses and the Witnesses for the Commissioners on Oath, and administer the Oaths necessary for that Purpose.

Valuator, &c. to make and subscribe Declaration.

XX. Before any Valuator, or any Arbitrator or Umpire who may be appointed as herein-after provided, shall enter upon any Inquiry, he shall in the Presence of a Justice of the Peace make and subscribe the following Declaration:

'I *A.B.* do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Provisions of "The Four Courts (Dublin) Extension Act, 1858."

'Made and subscribed in the Presence of .'

And such Declaration when made shall be lodged with the Commissioners, and if any Valuator, Arbitrator, or Umpire, having made such Declaration, shall wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Maps, &c. deposited with Chief or Under Secretary to be delivered to Valuator.

Notice of Appointment of Arbitrator, &c. to be published.

XXI. Upon the Appointment of a Valuator as aforesaid the Chief or Under Secretary of the Lord Lieutenant shall deliver to such Valuator the Maps or Plans, and Schedules, deposited at his Office, as herein-before required; and the Commissioners shall forthwith after such Appointment publish a Notice of such Appointment and of such Deposits as herein-before directed with such Clerk of the Peace as aforesaid, once in the Dublin Gazette and once in each of Two successive Weeks in some One and the same Newspaper circulated in the County of the City of Dublin, stating the Times and Places of such Deposits, and requiring all Persons claiming to have any

any Right to or Interest in the Lands required for the Purposes of this Act, and specified in such Maps and Plans, to deliver to the Valuator on or before a Day fixed by the Valuator, and named in such Notice (and which Day shall not be earlier than Seven Days from the Date of the Insertion of the last of such Newspaper Notices), a short Statement in Writing of the Nature of such Claim; and upon the Appointment of any Valuator in the Place of a Valuator dying or refusing, declining, or becoming incapable to act, all the Documents relating to the Matter of the Valuation which were in the Possession of such Valuator shall be delivered to the Valuator appointed in his Place, and the Commissioners shall publish a Notice of such Appointment in the Dublin Gazette.

Valuator to adjudicate upon Compensation to be paid for Lands and Houses.

XXII. The Valuator shall, after the Expiration of the Period within which such Claims are required to be delivered to him as aforesaid, proceed to inquire and adjudicate upon the Value of the several Rights to or Interests in such Lands in respect of which no Agreement shall have been come to between the Commissioners and the Persons entitled thereto, and the Purchase Money to be paid for such Rights or Interests; and the Valuator shall, after due Inquiry and Examination, frame a Draft Award or Draft Awards setting forth the Price or Compensation to be paid by the Commissioners in respect of the several Rights to or Interests in the Lands so required and specified to be paid for the Purchase of any Rights or Interests in such Lands to which the Inquiry may relate; and such Draft Award or Awards and Copies thereof shall be deposited as herein-before directed concerning the said Maps or Plans, and Schedules, as aforesaid; and the Valuator shall cause Notice of such Draft Award to be given to all Persons entitled to Payment under the same, where such Persons may be known to the Valuator, or who shall have been heard before such Valuator as Claimants for Compensation, and shall also cause Notice to be published of such Draft Award once in the Dublin Gazette and once in each of Two successive Weeks in some One and the same Newspaper circulated in the County of the City of Dublin, and shall in such Notices appoint a Time and Place or Times and Places for holding a Meeting or Meetings to hear Objections against any such Draft Award (the First such Meeting to be not earlier than Ten Days after the First Day of Publication of the said Notice), and shall hold such Meeting or Meetings accordingly, and thereat hear and determine any Objections which may then and there be made to any such Draft Award by any Person interested therein, or adjourn the further hearing thereof, if the Valuator shall think fit, to a future Meeting, and may take any Measures which he may deem proper for ascertaining the Value of any such Rights or Interests as aforesaid, or the Justice or Propriety of any other Matter of such

Draft Award, and may from Time to Time, if he shall see Occasion so to do, appoint and hold further Meetings for hearing and determining Objections to any such Draft Award; and when the Valuator has heard and determined all such Objections, and made such Inquiries as he may think necessary in relation thereto, and made such Alterations (if any) as he may deem proper in the Draft Award, he shall make his Award under his Hand and Seal accordingly, and every such Award shall be binding and conclusive, subject to the Provisions herein-after contained, upon all Persons whomsoever, and no such Award shall be set aside for Irregularity in Matter of Form; and a Copy of every such Award shall be deposited with the Clerk of the Peace for the County of the City of Dublin, and the Commissioners shall thereupon publish Notice in some Paper circulated in the County of the City of Dublin once in each of Two successive Weeks of the Deposit of such Award as aforesaid, and requiring all Persons claiming to have any Right to or Interest in the Lands, the Price or Compensation to be paid in respect of which is ascertained by such Award, to deliver to the Commissioners, on or before a Day to be named in such Notice (such Day not being earlier than Seven Days from the Date of the last Publication of the Notice), a short Statement in Writing of the Nature of such Claim, and a short Abstract of the Title on which the same is founded.

Clerk of the Peace required to take charge of Documents deposited, as provided by 7 W. 4. & 1 Vict. c. 83.

XXIII. The Clerk of the Peace aforesaid is hereby required to retain the Documents to be deposited with him under this Act in his Custody, and to permit all Persons interested to inspect the same, and to make Copies and Extracts of and from the same in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided by an Act of the Session holden in the Seventh Year of King William the Fourth and First Year of Her present Majesty Chapter Eighty-three.

Expenses of Valuator to be borne by the Commissioners.

XXIV. The Salary or Remuneration, Travelling and other Expenses, of the Valuator, and all Costs, Charges, and Expenses (if any) which shall be incurred in carrying the Provisions of this Act into execution, shall be paid by the Commissioners.

As to Costs of Parties.

XXV. It shall be lawful for the Valuator, where he thinks fit, upon the Request of any Party by whom any Claim has been made before him, to certify the Amount of the Costs properly incurred by such Party in relation to the Valuation, and the Amount of the Costs so certified shall be paid by the Commissioners.

Receipts duly stamped to act as a Conveyance.

XXVI. In every Case in which any Monies are paid by the Commissioners under the Provisions of this Act for such Price or Compensation

pensation as aforesaid, the Party receiving such Monies shall give to the Commissioners a Receipt for the same, and such Receipt shall have the Effect of a Grant, Release, and Conveyance of all the Estate, Right, and Interest of such Party, and of all Parties claiming under or through him, in the Lands in respect of which such Monies are paid, so as such Receipt shall have an ad valorem Stamp of the same Amount impressed thereon in respect of the Purchase Monies mentioned in such Certificate as would have been necessary if such Receipt had been an actual Conveyance of such Estate, Right, or Interest; and every such Receipt shall be prepared by and at the Costs of the Commissioners.

Payment of Monies where Parties making Claim deemed not entitled, or are under Disability, or Title not satisfactorily deduced.

XXVII. If it appear to the Commissioners from any such Statement and Abstract as aforesaid, or otherwise, that the Party making any such Claim as aforesaid is not absolutely entitled to the Lands, Estate, Right, or Interest in respect of which his Claim is made, or is under any Disability, or if the Title to such Lands, Estate, Right, or Interest be not satisfactorily deduced to the Commissioners free from Incumbrance, then and in every such Case the Amount to be paid by the Commissioners in respect of such Lands, Estate, Right, or Interest, as aforesaid, shall be paid and applied as provided by the Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating or not making Title.

Commissioners may require further Evidence of Title at their own Costs.

XXVIII. Nothing herein contained shall prevent the Commissioners from requiring any further Abstract or Evidence of Title respecting any Lands included in such Award as aforesaid in addition to the Abstract or Statement herein-before mentioned, if they think fit, so as the same be obtained at the Costs of the Commissioners.

If either Party dissatisfied with Award of Valuator, Compensation to be settled by Arbitration.

XXIX. Where the Party claiming Compensation or the Commissioners shall be dissatisfied with the Award made by the Valuator, as herein-before mentioned, it shall be lawful for such Party or the Commissioners respectively, at any Time within Fourteen Days from and after the Deposit of such Award with the Clerk of the Peace as herein-before mentioned, to have the Question of Compensation settled by Arbitration upon either Party signifying such Desire by Notice in Writing to such other Party, and the Amount of Compensation so claimed shall in such Case be settled accordingly in the Manner provided in Sections Twenty-five to Thirty-seven, inclusive, of "The Lands Clauses Consolidation Act, 1845."

SCHEDULE.

The Parish of Saint Michan, in the City of Dublin.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	King's Inns Quay.			
1	House - -	Robert Jones Stavelly.	Miles Kehoe -	James Cooney.
2	House and Yard -	Robert Jones Stavelly.	Miles Kehoe, Mathew Anderson and Robert Campbell Lee.	Mathew Anderson and Robert Campbell Lee.
3	House, Stores, and small Yard.	Robert Jones Stavelly.	Charles Hopes, Charles Hope, Thomas Saunders.	Thomas Saunders.
7	House (Law Chambers).	The Hon. Society of King's Inns.	Nathaniel Callwell and Robert Callwell, Anthony O'Brien.	William Sullivan, Messrs. Tighe and McCready.
8	House (Law Chambers).	Same - -	Same - -	Mathew White, George Beamish, and Co.
9	House, Store, and Office.	Same - -	Nathaniel Callwell and Robert Callwell, John Doherty.	John Doherty.
10	House (Tavern) -	Same - -	Nathaniel Callwell, Robert Callwell, Francis Codd and Joseph Lemass, Patrick Fottrell.	Joseph Lemass.
11	House (The Angel Hotel).	Same - -	Nathaniel Callwell, Robert Callwell, John Bergin.	John Bergin.
12	House (The Angel Hotel).	Same - -	Nathaniel Callwell, Robert Callwell, William Ternan, John Bergin.	John Bergin.
13	House and Shop -	Mrs. Emma Moore -	None - -	John Brereton.
14	House and Shop -	Same - -	None - -	John Fisher and Patrick D'Arcy.
15	House, Shop, and Yard.	Same - -	None - -	Johnston and Company.
15*a*	Open Passage at Rear of Houses.	The Hon. Society of King's Inns.	Nathaniel Callwell and Robert Callwell, Daniel O'Donnell and Alicia Kelly.	Daniel O'Donnell and Alicia Kelly.
	Morgan Place.			
1	House (Law Chambers).	Same - -	Nathaniel Callwell, Robert Callwell, Anthony O'Brien.	John McNally, T. Faussit, James Fenton, Henry E. Jones, and William A. Drinan.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	Morgan Place—cont.			
2	House (Law Chambers).	The Hon. Society of King's Inns.	Anthony O'Brien -	Richard Rawson, Fergus Days.
3	Stable - -	Board of Works -	None - -	Board of Works.
4	Bakers' Committee House and Yard.	Mrs. Elizabeth Garde	John Robertson -	Bakers Committee.
5	House - -	Mrs. Elizabeth Garde	Peter Hughes, John Robertson.	Peter Hughes.
	Church Street.			
2	House, Shop, and small Yard.	Arthur Barlow, Esq.	William Geraghty	William Geraghty.
3	House and small Yard.	Same - -	None - -	John Doyle.
4	House and Yard -	Peter Barlow, Esq. -	James Kenny -	James Kenny.
5	House and Yard -	Same - -	Same - -	Same.
6	House and Yard -	Same - -	Same - -	Same.
7	House and Yard -	John O'Connell, Esq. P. J. Kearney, and Miss Ellen Ryan.	None - -	Michael Brittain.
8	House, Shop, and Yard.	Same - -	None - -	Same.
9	House and Yard -	Same - -	None - -	Anne Murphy.
10	House and Yard -	Same - -	None - -	Same.
11	House, Shop, Two Yards, and Three Stores.	Same - -	Daniel O'Donnell and Alicia Kelly.	Daniel O'Donnell and Alicia Kelly.
12	House, Office, and Yard.	Alexander Talbot Eustace Mapas.	Mary Scally, Michael Kelly.	Michael Kelly.
13	House, Office, and Yard.	Mrs. Clark and Mrs. Odlum.	None - -	Vacant.
14	House, Offices, and Yard.	Sarah Anne Scott and George Scott.	Daniel Dillon -	Daniel Dillon.
15	House, Office, and Yard.	Corporation of Dublin.	Mary Scally -	Mary Scally.
16	House, Offices, and Yard.	Corporation of Dublin.	James Tyrrell -	James Tyrrell.
17 & 18	Houses, Office, and Yard.	Corporation of Dublin.	Francis Hargrave	Francis Hargrave.
19	House, Office, and Yard.	Corporation of Dublin.	James Maher -	James Maher.
20	House, Office, and Yard.	Corporation of Dublin.	Francis Hargrave	Francis Hargrave.
21	House, Office, and Yard.	Alexander Talbot Eustace Mapas.	Michael Clarke -	Michael Clarke.
22	House, Office, and Yard.	Alexander Talbot Eustace Mapas.	Michael Clarke -	Michael Clarke.
22*a*	Offices and Yard -	Alexander Talbot Eustace Mapas.	Michael Clarke -	Michael Clarke.
23 & 24	House, Offices, and Yard.	Alexander Talbot Eustace Mapas.	Peter Mara - -	Peter Mara.
25	Building Ground -	William Crichton Chambers.	Martin Walter O'Byrne.	Vacant.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	Downes Court, or Michan's Villas.			
1	House	Corporation of Dublin.	Francis Hargrave	Francis Hargrave.
2	House	Do.	Do.	
3	House and Yard	Do.	Do.	
4	House	Do.	Do.	
5	House	Do.	Do.	
6	House	Do.	Do.	
7	House	Do.	Do.	
8	House	Do.	Do.	
	Chancery Place.			
1	House and Yard	Robert Peel Dawson	Thomas Duffy	William Nerney.
2	House	Same	Patrick Duff	Vacant.
3	House and Yard	Same	John Wellington Pepper, Representative of Anastatia, Eleanor, and Mary Woods.	John Wellington Pepper.
4	House and Yard	Same	John Moore, Representative of Ignatius Rossiter.	John Moore.
5	House	Same	James Cooke	James Keegan.
6	House and Yard	Same	Edward Drummond	Edward Drummond.
7	House and small Yard	Same	Richard Seery	John Kent.
8	House and small Yard	Same	None	Allan Bacchus.
9	House	Same	John Egan	John Egan.
10	House	Same	John Hutton	John Hutton.
	Mountrath Street.			
1	House	Sir Charles Coote, Bart.	George Robert Hoey, Viscount Frankfort.	John Flanagan.
2	House	Same	Same	Same.
3	House	Same	Same	Same.
4	House and Yard	Same	George Robert Hoey.	Charles, Samuel, and George Eastwood.
4½	House	Same	George Robert Hoey Charles, Samuel, and George Eastwood, Thomas Saunders.	Thomas Saunders.
5	Yard	Board of Works	None	Board of Works.
6 & 7	House, Stores, and Yard.	Sir Charles Coote, Bart.	George Robert Hoey, Charles, Samuel, and George Eastwood, Edward Gatchell.	Edward Gatchell.
8	House	Same	George Robert Hoey, Charles, Samuel, and George Eastwood, Caleb Palmer.	Do.
9	House	Same	Samuel Alker, Henry Gorman, Edward Gatchell.	Do.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	Mountrath Street.—cont.			
10	House and small Yard	Sir Charles Coote, Bart.	Samuel Alker, Edward Gatchell.	Robert Orr and Michael Murphy, Official Assignees.
11	House - - -	Robert Peel Dawson	John Hutton -	Peter Callaghan.
	Charles Street, West.			
20	House and Yard -	Sir Charles Coote, Bart.	Samuel Alker, Owen Beatty.	Owen Beatty.
21	House and Yard -	Same - -	Samuel Alker, George Robert Hoey, Patrick Curtin.	Patrick Curtin.
22	House and Yard -	Same - -	Samuel Alker -	Patrick Mitchell.
23	House and Yard -	Same - -	Miss A. M. A. McKay.	John Flanagan.
24	House, Forge, and Yard.	Same - -	George R. Hoey, William Creighton Chambers, Patrick Curtin.	Patrick Curtin.
25	House, Forge, and Yard.	Same - -	G. R. Hoey, Michael Dalton.	Michael Dalton.
26	House - -	Same - -	G. R. Hoey, Viscount Frankfort.	John Flanagan.
27	House - -	Robert Peel Dawson	John Hutton -	Joseph Bownas.
28	House and Yard -	Robert Peel Dawson	John Egan - -	John Egan.
29	House and small Yard.	Same - -	None - -	John Hutton.
30	House and Yard -	Same - -	Richard Seery -	Richard Seery.
31	House and Yard -	Same - -	Edward Drummond	Edward Drummond.
32	House and Yard -	Same - -	James Cooke -	John Flanagan.
33	House and Yard -	Same - -	Peter Smith -	Peter Smith.
34	House and Yard -	Same - -	Michael Dalton -	Michael Dalton.
35	House and Yard -	Same - -	Richard Seery -	Richard Seery.
36	House - -	Same - -	Thomas Duffy -	William Nerney.
37	House - -	Robert Jones Stavelly	Miles Kehoe -	James Cooney.
	Pill Lane.			
27	House and Yard -	Rev. Nathaniel Poyntz.	Mrs. Elizabeth Nash, Christopher Ryder, Nicholas Crinion.	Nicholas Crinion.
28	House, Office, and Yard.	Same - -	Nicholas Crinion.	Nicholas Crinion.
29	House and Office -	Miss Dora Anne Strahan.	John Wilson, John Scally.	John Scally.
29*a*	Office - - -	Rev. Nathaniel Poyntz.	Mrs. Jane Sheil, William McKay, John Wilson, John Scally.	John Scally.
30	House, Offices, and Yard, also Gateway under No. 4, Anderson's Court.	Dora Anne Strahan -	Elizabeth and Jane Blizard, Rebecca Wilson, John Wilson.	Rebecca Wilson.
31	House, Office, and Yard.	Miss Elizabeth Johnstone, Mrs. Jane Popham, Samuel Lane Popham	John Wilson, Thomas Percival Swan, and Peter J. Kavanagh.	Peter J. Kavanagh, John Wilson and Son.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	Pill Lane—cont.			
32	House - -	Isabella Tennant, Daniel Crosbie, Elizabeth and Louisa Crosbie.	Mary and Margaret Mackey.	Mary and Margaret Mackey.
33*a* and 34	House, Office, and Yard.	Rev. James Hopkins -	James Woods, Robert Gatchell.	Robert Gatchell.
33*b*	Offices and Yard -	Rev. Nathaniel Poyntz.	Mrs. Jane Shiel, Robert Gatchell.	Robert Gatchell.
33*c*	Offices - -	Same - -	Same - -	Same.
	(3, 4, and 5, Anderson's Court are included in the same Lease with 33*c*.)			
35	House, Offices, and Yard.	Sir Charles Domvile Bart.	William North -	William North.
36	House, Offices, and Yard.	Daniel Crosbie, Elizabeth Crosbie, and Louisa Crosbie.	None -	Vacant.
37	House, Offices, and Yard.	William I. McCausland.	None - -	Margaret Finn, Mary Cavanagh, John Carton, Hugh Murray, Owen Brennan.
38 and 39	Houses, Office, and Yard.	Mary Tandy, Rev. Philip Smith, Isabella Smith, Frances George, George Cooper Stawell, Elizabeth Stawell, Samuel Garnett, and Mary Anne Garnett.	Michael Clarke -	Michael Clarke.
40	Stores and Yard -	James McCreight -	None - -	Vacant.
41	Stores and Yard -	Same - -	None - -	Vacant.
42	House, Offices, and Yard.	Same - -	None - -	Vacant.
43	House, Offices, and Yard.	Same - -	None - -	Vacant.
44	House and Yard -	Same - -	None - -	Vacant.
45	House, Office, and Yard.	Same - -	None - -	Vacant.
46	House and Yard -	Same - -	None - -	Vacant.
47	House and Yard -	Same - -	None - -	Vacant.
48	House, Office, and Yard.	Mrs. Clarke, and Mrs. Odlum.	None - -	James Kavanagh.
49	House, Office, and Yard.	Same - -	None - -	Thomas Healy.
50	House, Office, and Yard.	Richard Bolton -	Luke Dunn -	Luke Dunn.
51	House, Office, and Yard.	Richard Bolton -	None - -	Hugh Tighe.
52	House and Shop -	John O'Connell, Esq., P. J. Kearney, and Miss Ellen Ryan.	None - -	Hugh Tighe.
53	House and Yard (Coal Store).	John O'Connell, Esq. P. J. Kearney, and Miss Ellen Ryan.	None - -	James Farrell.
54	House and small Yard.	Same - -	None - -	Joseph Keely.
55	House and Shop -	Same - -	None - -	James Mitchell.
56	House and Yard -	Mrs. Elizabeth Garde	John Robertson -	Laurence Smyth.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	Pill Lane—cont.			
57	House and Shop and Yard.	Mrs. Elizabeth Garde	Peter Hughes, John Robertson.	Joseph Keely.
58	House - - -	Sir Charles Coote, Bart.	Samuel Alker, Denis Drumgoole, Mathew Crinion.	Nicholas Crinion.
59	House and Yard -	Same - -	Samuel Alker -	Samuel Alker.
60	House and Yard -	Same - -	Same - -	Same.
61	House, Stores, and small Yard.	Same - -	Same - -	Vacant.
62	House and Yard	Same - -	Same - -	Vacant.
62½	House - - -	Same - -	Same - -	Samuel Alker.
63	House - - -	Same - -	Same - -	James Brereton.
	Greek Street.			
32	Building Ground -	Rev. Nathaniel Poyntz.	- - -	Vacant.
34, 35, and 36	Office - - -	Same - -	Mrs. Jane Shiel, William McKay, John Scally.	John Scally.
	Anderson's Court.			
1*a*	Building Ground, Yard, and Offices.	Rev. Nathaniel Poyntz.	Mrs. Jane Sheil, Mrs. Elizabeth Murphy,	Mary Molloy.
1*b*	Building Ground and old Vault.	Same - -	Same - -	Vacant.
1*c*	Building Ground, Yard, and Offices.	Same - -	Mrs. Jane Sheil, Mrs. Elizabeth Murphy. Sir Thomas Whelan.	Mary Molloy.
2	Office and Yard -	Same - -	Mrs. Jane Shiel -	Vacant.
2*a*	House, Offices, and Yard.	Same - -	Mrs. Jane Shiel, John Scally.	John Scally.
3	Office - - -	Same - -	Mrs. Jane Shiel, Robert Gatchell.	Robert Gatchell.
4	House - - -	Same - -	Mrs. Jane Shiel, Robert Gatchell.	Robert Gatchell.
5	House and Yard -	Same - -	Mrs. Jane Shiel, Robert Gatchell.	Robert Gatchell.
	Streets to be taken.			
	Morgan Place -	The Corporation of Dublin.	- - -	The Public.
	Downe's Court -			
	Anderson's Court -			
	The Portion of Pill Lane lying between Greek Street and Church Street.			
	Mountrath Street -			
	Chancery Place -			

Wm. Bryden.

Four Courts (Dublin) Extension.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

For enabling the Commissioners of Public Works in Ireland to acquire certain Lands and Houses for the Site of a new Court or Courts of Law, and other Offices and Buildings required for the Public Service, in Extension of the Four Courts in the City of Dublin; and for other Purposes.

(Prepared and brought in by Lord Naas and Mr. Hamilton.)

Ordered, by The House of Commons, *to be Printed*, 1 *July* 1858.

[Bill 174.]

Under 2 oz.

23 *April* 1858. 21 Vict.

A

BILL

TO

Abolish Franchise Prisons.

WHEREAS it is expedient that the several Prisons mentioned in the Schedule to this Act, which are now used for the Confinement of Debtors, should be abolished: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the *Day of* no Person shall be confined in any Prison or Gaol mentioned in the Schedule to this Act; and all Persons who, if this Act had not been passed, might have been confined in any such Prison or Gaol, shall be confined in the Common Gaol of the County or Riding in which such Persons respectively may be arrested. Persons not to be confined in Prisons in the Schedule.

II. Provided always, That all Writs, Process, Warrants, and Authorities authorizing the Arrest of any Person within any Liberty or Franchise to which any of the Prisons and Gaols mentioned in the Schedule to this Act belongs who might, if this Act had not been passed, have been confined in such Prison or Gaol, shall be executed within such Liberty or Franchise by such Bailiff or Officer as might have executed the same if this Act had not been passed, and such Bailiff or Officer Warrants to be executed by Bailiffs of the Liberties.

shall have all such Powers and Authorities for conveying such Person to the Common Gaol of the County as the Bailiffs of the Sheriff have in the Execution of Writs, Process, Warrants, or Authorities for the like Purposes, and the like Punishments and Penalties shall attach in the Case of an Escape or Rescue from the Bailiff or Officer of such Liberty or Franchise, or other Interference with such Bailiff or Officer in the Discharge of his Duty as in the Case of an Escape or Rescue from or like Interference with the Bailiff of the Sheriff.

Prisoners in abolished Prisons to be removed to County Gaol.

III. Every Person who on the said *Day of* may be confined in any of the Prisons or Gaols mentioned in the Schedule to this Act shall, as soon as conveniently may be thereafter, without Writ of Habeas Corpus or other Writ for that Purpose, be removed by the Gaoler or Keeper of such Prison or Gaol to the Common Gaol of the County or Riding in which he may have been arrested under the Writ or other Process for his Arrest and Imprisonment, and shall be by such Gaoler or Keeper delivered into the Custody of the Gaoler or Keeper of such Common Gaol, together with the Writ or other Process by virtue of which such Person was arrested and imprisoned, and all Writs or other Process lodged with such first-mentioned Gaoler or Keeper by virtue of which such Person was or might be detained in the Prison or Gaol from which he is so removed; and the Gaoler or Keeper of the said Common Gaol shall give a Receipt in Writing for every Person so removed to such Common Gaol; and the reasonable Expenses of such Removal shall be paid by the Treasurer of the County or Riding to the Common Gaol of which such Persons are so removed; and all Persons who may be lawfully confined in any of the Prisons or Gaols mentioned in the said Schedule on the said *Day of* shall, until removed as aforesaid, and for and during the Time of such Removal, be to all Intents and Purposes deemed and considered to be in the proper legal Custody, unless and until they respectively be sooner discharged in due Course of Law; and all Persons so removed shall, after being delivered into the Custody of the Gaoler or Keeper of the Common Gaol of such County or Riding as aforesaid, be deemed to be in the legal Custody of the Sheriff and of such Gaoler or Keeper, in like Manner as if all such Persons had been originally arrested in Parts of such County or Riding (not within any Liberty or Franchise) and not been originally imprisoned in such Common Gaol.

SCHE-

SCHEDULE.

Swansea Debtors Prison for the Liberty of Gower.
Newark Liberty Prison for Debtors.
Halifax Home Gaol for the Manor of Wakefield.
Gaol for the Forest and Forest Liberty of Knaresborough, belonging to the Duchy of Lancaster.
Gaol for the Borough and Township of Knaresborough, belonging to the Duchy of Lancaster.
Sheffield Debtors Gaol for the Liberty of Hallamshire.
Hexham Debtors Prison.

Franchise Prisons.

A

BILL

To abolish Franchise Prisons.

(*Prepared and brought in by Mr. Hardy and Mr. Secretary Walpole.*)

Ordered, by The House of Commons, *to be Printed*, 23 *April* 1858.

[Bill 60.]

Under 1 *oz.*

17 *May* 1858. 21 Vict.

A

BILL

TO

Amend the Act of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter Sixty-three, relating to Friendly Societies.

WHEREAS it is expedient to amend an Act passed in the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Sixty-three, intituled "An Act "to consolidate and amend the Law relating to Friendly Societies, "and to provide additional Facilities for carrying the same into "effect"; Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: Preamble. 18 & 19 Vict. c. 63.

I. In the City of London the Judge of the Sheriff's Court, and in Ireland the Assistant Barrister within his District, shall respectively have the same Jurisdiction as by the said Act is given to the Judge of a County Court in any Matter arising under the said Act, and in Ireland a Justice of the Peace or Two Justices of the Peace, as the Case may be, shall have the same Jurisdiction as by Section Twenty-four of the said Act is given to a Justice of the Peace or Two Justices Jurisdiction of County Court given to Judge of Sheriff's Court and Assistant Barrister and Section 24 extended to Ireland.

Justices of the Peace in England in any Matter arising under the said Section, but the Complaint shall be heard and determined in manner directed by the Act passed in the Twelfth and Thirteenth Years of Her Majesty, Chapter Seventy.

No Money to be paid on the Death of a Child without a Certificate signed by a Medical Practitioner or Coroner.

II. The Tenth Section of the said Act shall be repealed, and instead thereof be it enacted:

In any Society in which a Sum of Money may be insured, payable on the Death of a Child under the Age of *Ten* Years, for the Funeral Expenses of such Child, it shall not be lawful to pay any Sum so insured unless the Person who shall apply for such Payment shall produce a Certificate, signed by a qualified Medical Practitioner or by a Coroner, stating the probable Cause of Death of such Child; and if any Trustee or Officer of such Society, upon an Insurance of a Sum payable on the Death of any Child under the Age of *Ten* Years, shall knowingly pay a Sum which shall raise the whole Amount receivable from One or more than One Society for the Funeral Expenses of a Child under the Age of *Five* Years to a Sum exceeding *Six Pounds*, or of a Child between the Ages of *Five* and *Ten* Years to a Sum exceeding *Ten Pounds*, or shall pay any Sum without endorsing the Amount thereof on the Back or at the Foot of the Medical Certificate aforesaid, he shall be liable to a Penalty not exceeding *Five Pounds* for every such Act upon Conviction before Two Justices of the County or Borough in which such Child shall have died; and every Coroner is hereby directed and required to give to the Parents or Friends of such Child, upon their Application, his Certificate of the Verdict of a Jury held on the Body of such Child without Fee or Payment of any kind; and if the said Child shall have been attended immediately before its Death by the Medical Officer of any Union on account of such Union, he shall deliver to the Parents or Friends of the deceased Child, upon their Application, a Certificate stating the probable Cause of Death of such Child without Fee or Payment of any kind.

Section 24. relating to the Punishment of Fraud extended to Charitable Societies under Section 11.

III. Section Twenty-four of the said Act shall extend and be applicable to all Institutions and Societies entitled to the Benefit of Section Eleven of the said Act.

Society may change its Name.

IV. Any Friendly Society may, with the Approval in Writing of the Registrar, change its Name; but no such Change shall affect any Rights or Obligations of the Society or any Member thereof, and any legal Proceedings may be continued or commenced by or against the Trustees of the Society, or any Officer or the Committee thereof, by and notwithstanding its new Name.

V. The

Disputes to be settled by Justices if Rules so direct.

V. The Proviso contained in Section Forty of the said Act shall be repealed, and in lieu thereof be it enacted, That where the Rules of any Society established under the said Act, or any of the Acts thereby repealed, shall direct Disputes to be referred to Justices, then any Justice of the Peace acting in the County or Borough in which the Place of Business of such Society shall be situated, upon Complaint made by any Member, his Executors, Administrators, Nominee, or Assigns, or by any Person claiming under the Rules of the Society, of any Matter in dispute between him or them and the Society, to summon the Person against whom such Complaint is made to appear at a Time and Place to be named in such Summons, and any Two Justices present at the Time and Place mentioned in such Summons shall proceed to hear and determine the said Complaint, which Complaint shall be heard and determined in England in manner directed by the Act passed in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three, and in Ireland in manner directed by the Act passed in the Twelfth and Thirteenth Years of Her Majesty, Chapter Seventy-three; and such Justices may make such Order thereupon, either for the Payment of Money or otherwise, together with Costs, not exceeding *Ten Shillings*, as they shall think fit; and where the Order made shall be for the doing of some Act other than the Payment of Money, the said Justices may order the Payment of a Sum of Money in default of the doing of such Act, and any Monies which shall be paid by any Officer of the Society so levied on his Property under any Order or Warrant the Justices shall be repaid, with all Damages accruing to him, by the Society: Provided always, that in Scotland the Sheriff within his County shall have the same Jurisdiction as is hereby given to a Justice or Justices of the Peace.

Justices may make Order.

Sheriff in Scotland to have same Jurisdiction as Justices.

Sections 40. and 44. of said Act extended to other Disputes.

VI. Sections Forty and Forty-four of the said Act shall extend and be applicable to Disputes between the Executors, Administrators, Nominee, or Assigns of a Member, and the Trustees, Treasurer, or other Officer, or the Committee of a Society.

Acts to be considered as One Act. Title of Acts.

VII. This Act and the said recited Act shall be construed as One Act, and may be cited together for all Purposes as the "Friendly Societies Acts, 1855 and 1857."

Friendly Societies Act Amendment.

A

B I L L

To amend the Act of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter Sixty-three, relating to Friendly Societies.

(*Prepared and brought in by Mr. Sotheron Estcourt and Mr. Bonham-Carter.*)

Ordered, by The House of Commons, *to be Printed,* 17 May 1858.

[Bill 92.]

Under 1 *oz.*

14 *June* 1858. 21 Vict.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Act of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter Sixty-three, relating to Friendly Societies.

WHEREAS it is expedient to amend an Act passed in the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Sixty-three, intituled "An Act "to consolidate and amend the Law relating to Friendly Societies," and to provide additional Facilities for carrying the same into effect: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: Preamble. 18 & 19 Vict. c. 63.

I. In the City of London the Judge of the Sheriff's Court, and in Ireland the Assistant Barrister within his District, and in the Cities of Dublin and Cork the Recorder thereof, shall respectively have the same Jurisdiction as by the said Act, as amended by this Act, is given to the Judge of a County Court in any Matter arising under the said Act, and in Ireland a Justice of the Peace or Two Justices of the Peace, as the Case may be, shall have the same Jurisdiction Jurisdiction of County Court given to Judge of Sheriff's Court, Assistant Barrister, &c. and Section 24 extended to Ireland.

diction as by Section Twenty-four of the said Act is given to a Justice of the Peace or Two Justices of the Peace in England in any Matter arising under the said Section, but the Complaint shall be heard and determined in manner directed by the Act passed in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Ninety-three.

No Money to be paid on the Death of a Child without a Certificate signed by a Medical Practitioner.

II. The Tenth Section of the said Act shall be repealed, and instead thereof be it enacted:

In any Society in which a Sum of Money may be insured, payable on the Death of a Child under the Age of Ten Years, for the Funeral Expenses of such Child, it shall not be lawful to pay any Sum so insured unless the Person who shall apply for such Payment shall produce a Certificate, signed by a qualified Medical Practitioner, stating the probable Cause of Death of such Child; and if any Trustee or Officer of such Society, upon an Insurance of a Sum payable on the Death of any Child under the Age of Ten Years, shall knowingly pay a Sum which shall raise the whole Amount receivable from One or more than One Society for the Funeral Expenses of a Child under the Age of Five Years to a Sum exceeding Six Pounds, or of a Child between the Ages of Five and Ten Years to a Sum exceeding Ten Pounds, or shall pay any Sum without endorsing the Amount thereof on the Back or at the Foot of the Medical Certificate aforesaid, or if any Parent or other Person, who shall apply for such Payment to more than One Society, shall produce to the Trustees or Officers of One Society any other or different Certificate than that which he shall have produced to the Trustees or Officers of any other Society, such Trustee, Officer, Parent, or other Person shall be liable to a Penalty not exceeding Five Pounds for every such Act upon Conviction before Two Justices of the County or Borough in which such Child shall have died: Provided, that if the said Child shall have been attended immediately before its Death by the Medical Officer of any Union on account of such Union, he shall deliver to the Parents or Friends of the deceased Child, upon their Application, a Certificate stating the probable Cause of Death of such Child, and shall not be entitled to receive any Fee for the same; and if such Child shall not have been attended by such Medical Officer as aforesaid, the Medical Officer of the Union or Parish in which such Child shall have been resident shall deliver to the Parents or Friends of the deceased Child, upon their Application, a Certificate stating the probable Cause of Death of such Child, and shall be entitled to receive from the Parties applying for the same a Fee of One Shilling.

III. Section

Sections 16 and 24 relating to the Punishment of Fraud extended to Charitable Societies under Section 11.

III. Sections Sixteen and Twenty-four of the said Act shall extend and be applicable to all Institutions and Societies entitled to the Benefit of Section Eleven of the said Act.

Society may change its Name.

IV. Any Friendly Society may, with the Approval in Writing of the Registrar, change its Name; but no such Change shall affect any Rights or Obligations of the Society or any Member thereof, and any legal Proceedings may be continued or commenced by or against the Trustees of the Society, or any Officer or the Committee thereof, by and notwithstanding its new Name.

Disputes to be settled by Justices if Rules so direct.

V. The Proviso contained in Section Forty of the said Act shall be repealed, and in lieu thereof be it enacted, That where the Rules of any Society established under the said Act, or any of the Acts thereby repealed, shall direct Disputes to be referred to Justices, then any Justice of the Peace acting in the County or Borough in which the Place of Business of such Society shall be situated, upon Complaint made by any Member, his Executors, Administrators, Nominee, or Assigns, or by any Person claiming under the Rules of the Society, of any Matter in dispute between him or them and the Society, to summon the Person against whom such Complaint is made to appear at a Time and Place to be named in such Summons, and any Two Justices present at the Time and Place mentioned in such Summons shall proceed to hear and determine the said Complaint, which Complaint shall be heard and determined in England in manner directed by the Act passed in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three, and in Ireland in manner directed by the Act passed in the Fourteenth and Fifteenth of Her Majesty, Chapter Ninety-three; and such Justices may make such Order thereupon, either for the Payment of Money or otherwise, together with Costs, not exceeding Ten Shillings, as they shall think fit; and where the Order made shall be for the doing of some Act other than the Payment of Money, the said Justices may order the Payment of a Sum of Money in default of the doing of such Act, and any Monies which shall be paid by any Officer of the Society so levied on his Property under any Order or Warrant the Justices shall be repaid, with all Damages accruing to him, by the Society: Provided always, that in Scotland the Sheriff within his County shall have the same Jurisdiction as is hereby given to a Justice or Justices of the Peace.

Justices may make Order.

Sheriff in Scotland to have same Jurisdiction as Justices.

Sections 40. and 44. of said Act extended to other Disputes.

VI. Sections Forty and Forty-four of the said Act shall extend and be applicable to Disputes between the Executors, Administrators, Nominee, or Assigns of a Member, and the Trustees, Treasurer, or other Officer, or the Committee of a Society.

An Officer to be proceeded against on behalf of a Society.

VII. In any Proceeding under the said recited Act or this Act against a Society it shall be sufficient to make the Secretary or other Officer of the Society, at the Time of the Plaint or Complaint being entered or made, the Defendant in such Proceeding, by his Name and the Title of the Office he holds in the Society; and the Proceedings on such Plaint or Complaint shall be commenced and carried on against such Officer on behalf of the Society, and shall not be abated or prejudiced by the Death, Resignation, or Removal, or by any Act of such Officer after the Commencement thereof; and the Summons to be issued to such Officer may be served by leaving the same at the usual Place of Business of the Society: Provided always, that the Court or other Authority making any Order for the Payment of Money in any such Proceeding shall in and by their Order, and the Execution or Warrant of Distress issued thereon, direct that the Monies, Goods, Chattels, Securities, and Effects belonging to the Society shall first be seized and sold for the Sum or Sums ordered to be paid, and that in default of Property sufficient to satisfy the whole Amount the proper Goods and Chattels of the Officer who shall be the Defendant in the Proceedings in that Behalf shall be levied on for such Amount as shall remain unsatisfied after Sale of the Property of the Society: Provided also, that any Monies which shall be paid by any such Officer under any such Order, or so levied on his Goods and Chattels, shall be repaid, with all Damages accruing to him by reason of such Levy, by the Society.

Acts to be considered as One Act. Title of Acts.

VIII. This Act and the said recited Act shall be construed as One Act, and may be cited together for all Purposes as the "Friendly Societies Acts, 1855 and 1857."

Friendly Societies Act Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Act of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter Sixty-three, relating to Friendly Societies.

(*Prepared and brought in by Mr. Sotheron Estcourt and Mr. Bonham-Carter.*)

Ordered, by The House of Commons, *to be Printed*, 14 *June* 1858.

[Bill 130.]

Under 1 *oz.*

3 *June* 1858. 21 Vict.

A

BILL

TO

Repeal certain Provisions for the Issue out of the Consolidated Fund of fixed Amounts for the Reduction of the Funded Debt.

WHEREAS by an Act of the Tenth Year of King George the Fourth, Chapter Twenty-seven, "To amend the "several Acts for regulating the Reduction of the "National Debt," Provision was made for giving effect to a Resolution of the House of Commons, that, in lieu of the Sum of Three million Pounds directed to be issued annually towards the Reduction of the National Debt under an Act then in force, there should be issued for that Purpose such annual Sum as should appear to be the actual surplus Revenue of the United Kingdom beyond the actual annual Expenditure thereof: And whereas by an Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Eighteen, "For raising the Sum of Sixteen million Pounds by way of Annuities," it is enacted, that, "for the Purpose of the Extinction "of a Portion of the Funded Debt of Great Britain and Ireland "equal to the Amount to be added to the Joint Stock of Annuities "therein mentioned, there should be issued and paid out of the "Consolidated Fund, or out of the growing Produce thereof, to the "Commissioners for the Reduction of the National Debt, in the "Financial

Preamble.
10 G. 4. c. 27.
18 & 19 Vict. c. 18. s. 22.

" Financial Year commencing on the First Day of April which " should first happen Twelve Months after the Ratification of a " definitive Treaty of Peace with Russia, and in every subsequent " Year until such Portion of the said Funded Debt is extinguished " by means of the Monies to be issued to the said Commissioners " under that Enactment, the Sum of One million Pounds:" And whereas in the Acts of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Six and Chapter Twenty-one, like Enactments are contained for the Issue and Payment out of the Consolidated Fund, or out of the growing Produce thereof, to the Commissioners for the Reduction of the National Debt, of the yearly Sums of Two hundred and fifty thousand Pounds and Two hundred and fifty thousand Pounds, for the Purpose of the Extinction of Portions of the Funded Debt equal to the Amount to be added to the Joint Stock of Annuities therein mentioned by the said Acts: And whereas the Issue for the Reduction of the Funded Debt of fixed Sums, without reference to the relative Amounts of the Income and Expenditure of the United Kingdom, is inconsistent with the Principle established by the said Act of the Tenth Year of King George the Fourth; and it is expedient that the said Provisions for the Issue of the said Sums of One million Pounds and Two hundred and fifty thousand Pounds and Two hundred and fifty thousand Pounds should be repealed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

19 & 20 Vict. c. 6. s. 20. and 19 & 20 Vict. c. 21. s. 20.

18 & 19 Vict. c. 18. s. 22. and 19 & 20 Vict. c. 6. s. 20., and 19 & 20 Vict. c. 21. s. 20. repealed.

I. The said Enactments herein-before recited and referred to respectively of the said Act of the Eighteenth and Nineteenth Years of Her Majesty, and the said Acts of the Nineteenth and Twentieth Years of Her Majesty, shall be repealed.

Funded Debt.

A

BILL

To repeal certain Provisions for the Issue out of the Consolidated Fund of fixed Amounts for the Reduction of the Funded Debt.

(Prepared and brought in by Mr. Chancellor of the Exchequer and Mr. Hamilton.)

Ordered, by The House of Commons, *to be Printed,* 3 *June* 1858.

[Bill 104.]

Under 1 *oz.*

18 *March* 1858. 21 Vict.

A

BILL

FOR

The Disfranchisement of the Freemen of the County of the Town of Galway.

WHEREAS a Select Committee of the House of Commons appointed in the last Session of Parliament to try the Matter of a certain Petition complaining of an undue Election of Members to serve in Parliament for the County of the Town of Galway, reported amongst other Matters that the Evidence given before the said Committee appeared to establish the Fact that systematic Bribery of certain Classes of the Electors prevailed at the last and former Elections for the said Town: And whereas, upon the joint Address of both Houses of Parliament, Her most Gracious Majesty was pleased, by Warrant under Sign Manual, to appoint Commissioners for the Purpose of making inquiry into the Evidence of such corrupt Practices, pursuant to the Provisions of the Act of Parliament passed in the Sixteenth Year of Her Majesty's Reign, intituled "An Act to provide for more effectual Inquiry into the "Existence of corrupt Practices at Elections for Members to serve "in Parliament:" And whereas the Commissioners so appointed have made their Report; and it appears from such Report, and the Minutes of Evidence taken by the said Commissioners, that gross systematic and extensive Bribery prevailed at the last and previous Election for the said County of the Town of Galway amongst the Freemen of Preamble.

 the

the said Town; and it is expedient that the said Freemen should be disfranchised: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Freemen of the Town of Galway disfranchised.

I. That from and after *the passing of this Act* no Freeman of the said County of the Town of Galway shall be entitled to vote as such in any Election of a Member or Members to serve in Parliament for the said County of the Town of Galway.

Galway Freemen Disfranchisement.

A

BILL

For the Disfranchisement of the Freemen of the County of the Town of Galway.

(*Prepared and brought in by Mr. George Clive and Lord Lovaine.*)

Ordered, by the House of Commons, *to be Printed,* 18 *March* 1858.

[Bill 32.]

Under 1 *oz.*

10 *June* 1858. 21 Vict.

(Ireland.)

A

BILL

TO

Amend The Galway Harbour and Port Act (1853.)

WHEREAS by an Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, intituled "An Act for "making a Pier and Breakwater in the Bay of Galway, and for conferring additional Powers on the Galway Harbour Commissioners, "and for other Purposes," it is, amongst other things, enacted, that it should be lawful for the said Harbour Commissioners to demand and take the Tolls and Rates in the respective Schedules to the said Act annexed: And whereas the Tolls and Rates by the said Act authorized to be levied are, subject to the necessary Expenses of the Repair of the Works of the said Harbour, now paid to a Receiver appointed by the Commissioners of Public Works, and applied as by the said Act directed in discharge of a Public Debt due to the said last-mentioned Commissioners: And whereas it is expedient to amend the said Galway Harbour and Port Act, 1853: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble. 16 & 17 Vict. c. ccvii.

I. That

Power to charge Rates on all Vessels entering and using the Floating Dock.

I. That for and notwithstanding anything to the contrary in the said Act contained, it shall and may be lawful to and for the Commissioners of Public Works in Ireland, and to and for the Receiver, Collector, or Officer heretofore or hereafter to be appointed by them, or acting for or on their Behalf, to charge and collect the Tonnage Rates set forth in Schedule A. to the said Act annexed on every Vessel, without Limitation of Tonnage, entering and lying in the Floating Dock, or alongside the Pier or Piers, Jetty or Jetties, in the said Schedule set forth, and also to charge and collect the several Rates and Dues by the said Schedule chargeable for Boats entering and using the said Floating Dock or Canal.

Acts to be construed together.

II. The said "Galway Harbour and Port Act, 1853," and the several Acts incorporated therewith, and this Act, shall be construed as One Act.

Galway Harbour and Port Act Amendment.

(Ireland.)

A

B I L L

To amend The Galway Harbour and Port Act (1853).

(*Prepared and brought in by Mr. Hamilton and Lord Naas.*)

Ordered, by The House of Commons, *to be Printed,* 10 *June* 1858.

[Bill 120.]

Under 1 *oz.*

Game Law (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble. Repeal of 13 Ric. 2., stat. 1. c. 13., 22 Edw. 4. c. 6., 10 W. 3. c. 8., 7 G. 2. c. 8., 27 G. 3. c. 35., 37 G. 3. c. 21., 58 G. 3. c. 75., 9 G. 4. c. 69., 7 & 8 Vict. c. 29., and 5 & 6 Vict. c. 81. s. 8.; Sect. 1.

What shall be deemed Game, &c.; 2.

Seasons during which Game shall not be killed; 3.

Possession of Game illegal after Ten Days in Dealers and Forty Days in other Persons from the Expiration of the Season; 4.

After the passing of this Act the Right of killing Game, when reserved, shall belong to the Landlord, &c.; 5.

Persons having the Game may authorize others to kill it; 6.

Where the Landlord, &c. has the Right to the Game, in exclusion of the Occupier, the Occupier shall be liable to a Penalty for killing it; 7.

Any Person entitled to kill Game on Lands may appoint a Gamekeeper of such Lands; 8.

Penalty for destroying or taking the Eggs of Game; 9.

Penalty for killing Game without a Certificate; 10.

Constabulary compelling Production of Certificate; 11.

Penalty on Persons trespassing on Lands with Gun, Net, &c.; 12.

Trespassers in search of Game may be required to quit the Land, and to tell their Names and Abodes; and in case of Refusal may be arrested; 13.

Game may be taken from Trespassers not delivering up the same when demanded; 14.

Killing Game on a Sunday; 15.

Limitation of Time for Proceedings under this Act; 16.

Mode of Procedure; 17.

Appropriation of Fines and Penalties; 18.

Prosecutor not required to prove a Negative; 19.

Certiorari, &c.; 20.

This Act not to preclude Actions for Trespass, but no double Proceedings for the same Trespass; 21.

Commencement of Act; and to extend to Ireland only; 22.

Short Title of Act; 23.

A

BILL

TO

Consolidate and amend the Law in Ireland relating to Game.

WHEREAS it is expedient to consolidate and amend the Law in Ireland relating to Game: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, Preamble.

I. That so much of a Statute made in the Thirteenth Year of the Reign of King Richard the Second as relates to such Persons as shall not have or keep any Greyhound, Hound, or other Dog to hunt, and shall not use Fyrets, Heys, Nets, Hare-pipes, Cords, or other Engines to take or destroy Hares, Conies, or other Gentlemen's Game, and so much of a Statute made in the Twenty-second Year of the Reign of King Edward the Fourth as relates to the having any Mark or Game of Swans, and an Act passed in the Tenth Year of the Reign of King William the Third, intituled "An Act for the "Preservation of the Game, and the more easy Conviction of such as "shall destroy the same," and an Act passed in the Seventh Year of the Reign of King George the Second, intituled "An Act for the "more effectual Discovery and Punishment of Deer Stealers," and an Act passed in the Twenty-seventh Year of the Reign of King George the Repeal of 13 Ric. 2. st. 1. c. 13.. 22 Ed. 4. c. 6., 10 W. 3. c. 8., 7 G. 2. c. 8.

27 G. 3. c. 35., 37 G. 3. c. 21., 58 G. 3. c. 75., 9 G. 4. c. 69., 7 & 8 Vict. c. 29., and 5 & 6 Vict. c. 81. s. 8.

the Third, intituled "An Act for the Preservation of the Game," also an Act passed in the Thirty-seventh Year of the Reign of His Majesty King George the Third, intituled "An Act to amend the "Game Laws," also an Act passed in the Fifty-eighth Year of the Reign of His Majesty King George the Third, intituled "An Act "for the more effectual Prevention of Offences connected with the "unlawful Destruction and Sale of Game," also an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled "An Act for the more effectual Prevention of Persons going "armed by Night for the Destruction of Game," so far as the same relates to Ireland, and also an Act passed in the Seventh and Eighth Year of the Reign of Her Majesty Queen Victoria, intituled "An "Act to extend an Act of the Ninth Year of King George the "Fourth, for the more effectual Prevention of Persons going armed "by Night for the Destruction of Game," are hereby repealed, so far as the same relates to Ireland, and all Acts continuing or perpetuating any of the Acts or Parts of Acts herein-before referred to in manner aforesaid, and also the Eighth Section of the Statute passed in the Sessions of Parliament held in the Fifth and Sixth Years of Her present Majesty the Queen, intituled "An Act to transfer the Collec- "tion and Management of the Duties on Certificates to kill Game "in Ireland to the Commissioners of Excise," save so far as the same relates to the Duties to be performed by any Officer of Excise, as therein mentioned.

What shall be deemed Game. 27 G. 3. c. 35. s. 6. 1 & 2 W. 4. c. 32.

II. The Word "Game" shall for all the Purposes of this Act be deemed to include Hares, Pheasants, Grouse, Black Game, Patridges, and Quail.

Seasons during which Game shall not be killed. 1 & 2 W. 4. c. 32. s. 3., 27 G. 3. c. 35. s. 4., 37 G. 3. c. 21. s. 2.

III. And if any Person whatsoever shall kill or take any Grouse or Black Game between the *Tenth Day of December* and *Twentieth Day of August* following, or any Partridge or Quail, between the *First Day of February* and the *Twelfth Day of September* in any Year, or any Pheasant between the *First Day of February* and the *First Day of October* in any Year, he shall, on Conviction of any such Offence before Two Justices of the Peace, forfeit and pay for every Head of Game or Bird so killed such Sum of Money not exceeding *One Pound* as to such Justices shall seem meet.

Possession of Game illegal after Ten Days in Dealers, and Forty Days in other Persons from the Expira-

IV. Whosoever, being a Dealer in Game, shall buy or sell, or knowingly have in his House, Shop, Stall, Possession, or Control, any Bird of Game after the Expiration of *Ten* Days (one inclusive and the other exclusive) from the Days in each Year on which it shall become unlawful to kill or take such Bird of Game, and whosoever, not being a Dealer in Game, shall buy or sell any Bird of

Game

Game after the Expiration of *Ten* Days (one inclusive and the other exclusive) from the Day in each Year on which it shall become unlawful to kill or take such Bird of Game, or shall knowingly have in his House, Possession, or Control any Bird of Game (except Birds of Game kept in a Mew or Breeding Place) after the Expiration of *Forty* Days (one inclusive and the other exclusive) from the Day in each Year on which it shall become unlawful to kill or take such Birds of Game, shall, on Conviction of any such Offence before Two Justices of the Peace, forfeit and pay for every Head of Game so bought or sold, or found in his House, Shop, Possession, or Control, such Sum of Money not exceeding *One Pound* as to the convicting Justices shall seem meet: Provided always, that the Possession of any Grouse or Partridge by any Person before the Days on which they may be legally killed in Ireland, and during the Days on which they may be legally killed in England, shall not subject the Person in whose Possession they are found to any Penalty under the last preceding Section of this Act, if such Person can prove to the Satisfaction of the Justices before whom the Case is heard that such Person obtained the same from any other Part of the United Kingdom than Ireland.

tion of the Season.
1 & 2 W. 4. c. 32. s. 4.
27 G. 3. c. 35. s. 4.

Proviso as to Difference of Seasons in England and Ireland.

V. Where in any Lease or Agreement by Deed, Writing, or Parol after the passing of this Act a Right of Entry on the Lands thereby demised for the Purpose of taking or killing the Game shall be reserved or given in Writing to any Grantor, Lessor, Landlord, or other Person, such Grantor, Lessor, Landlord, or other Person shall have the exclusive Right of killing and taking the Game, Woodcocks, and Snipes upon such Lands.

After the passing of this Act the Right of killing Game, when reserved, shall belong to the Landlord, &c.

VI. Where the Grantor, Lessor, Landlord, or other Person shall by virtue of any Reservation or anything in this Act contained, or otherwise, have the Right of killing the Game upon any Land, he may authorize any other Person who shall have obtained an annual Game Certificate to enter upon such Land for the Purpose of pursuing and killing the Game, Woodcocks, and Snipes thereon.

Persons having the Game may authorize others to kill it.
1 & 2 W. 4. c. 32. s. 11.

VII. Where the Right of killing the Game upon any Land hath been or shall be reserved by or granted to or does or shall belong to the Grantor, Lessor, Landlord, or any Person, other than the Tenant or Occupier of such Land, in every such Case, if the Tenant or Occupier of such Land shall pursue, kill, or take any Game, Woodcocks, or Snipes upon such Lands, or shall give Permission to any other Person so to do, without the written Authority of the Grantor, Lessor, Landlord, or other Person having the Right of killing the Game upon such Land, such Tenant or Occupier shall, on Conviction thereof

Where the Landlord, &c. has the Right to the Game, in exclusion of the Occupier, the Occupier shall be liable to a Penalty for killing it.
1 & 2 W. 4. c. 32. ss. 13. 17.

thereof before Two Justices of the Peace, forfeit and pay, for such pursuit, killing, or taking, such Sum of Money not exceeding *Two Pounds*, and for every Head of Game, Woodcock, or Snipe so killed or taken such Sum of Money not exceeding *Five Shillings*, as to the convicting Justices shall seem meet.

Any Person entitled to kill Game on Lands may appoint a Gamekeeper of such Lands.

VIII. It shall be lawful for every Person who shall be entitled to kill Game upon any Lands in Ireland, by Writing under Hand and Seal, or in case of a Body Corporate then under the Seal of such Body Corporate, to appoint One or more Person or Persons as a Gamekeeper or Gamekeepers to preserve or kill the Game, Woodcocks, and Snipes within the Limits of the Lands over which such Person shall be entitled to kill the Game, and to authorize such Gamekeeper or Gamekeepers within the said Limits to seize and take, for the Use of the Person so appointing, upon the Lands of which he or they shall be appointed Gamekeeper or Gamekeepers, all such Dogs, Nets, and other Engines and Instruments for the killing or taking of Game, Woodcocks, or Snipes as shall be used within the said Limits by any Person not authorized to kill Game for Want of a Game Certificate.

Penalty for destroying or taking the Eggs of Game, &c.
1 & 2 W. 4. c. 32. s. 24.
10 W. 3. c. 8. s. 8.
27 G. 3. c. 35 s. 4.

IX. Whosoever, not having the Right of killing the Game upon any Land, nor having Permission from the Person having such Right, shall wilfully take out of the Nest or destroy in the Nest upon such Land any Egg of any Bird of Game, or of any Waterfowl or Snipe, or shall knowingly have in his House, Shop, Possession, or Control any such Egg so taken, shall, on Conviction thereof before Two Justices of the Peace, forfeit or pay such Sum of Money not exceeding *Five Shillings* for each Egg so taken or destroyed as to said Justices shall seem meet.

Penalty for killing Game without a Certificate.
1 & 2 W. 4. c. 32. s. 23.

X. Whosoever shall kill or take any Game, Woodcocks, or Snipes, or use any Dog, Gun, Net, or other Engine or Contrivance for the Purpose of searching for or killing or taking Game, Woodcocks, or Snipes, not being authorized so to do for Want of a Game Certificate, shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every such Offence such Sum of Money not less than *One Pound* and not exceeding *Five Pounds* as to the said Justices shall seem meet.

Constabulary compelling Production of Certificate.

XI. And for the better Protection of the Revenue, be it enacted, That when any Head or other Constable shall see any Person in his District or Division using any Dog, Gun, Net, Instrument, or other Engine or Contrivance for the taking or Destruction of Game, Woodcocks, or Snipes, and such Person is not known to such Officer of

of Constabulary to have obtained an annual Game Certificate then in force, it shall thereupon be the Duty and such Officer aforesaid is hereby required to demand and require, from the Person so using such Dog, Gun, Net, Instrument, or other Engine or Contrivance as aforesaid, to produce and show a Certificate then in force enabling him to kill Game; and every such Person shall, upon such Demand and Requisition as aforesaid produce such Certificate to such Officer of Constabulary so demanding and requiring the same, and shall furnish the same to be inspected accordingly; and if any such Person shall wilfully refuse to produce and show a Certificate then in force, or shall decline to produce or show the same or shall refuse, on being required so to do, to give and declare his Name and Surname, and the Place of his Residence, or shall give or declare any false or fictitious Name, Surname, or Place of Residence, every Person so offending shall forfeit a Sum not exceeding *Five Pounds*, and it shall be lawful for such Officer aforesaid to apprehend the Person so refusing as aforesaid, and to convey him forthwith before any Justice of the Peace within whose Jurisdiction such Offence shall be committed; and such Justice shall proceed to the Conviction of such Offender in the same Manner as if such Offender had been summoned to appear before any Justice of the Peace for such Offence; and it shall also be the Duty of such Officer and he is hereby required to summons before a Justice of the Peace of the Petty Pessions District in which the Offence shall be committed any Person whom they shall know to have used any Dog, Gun, Net, Instrument or other Engine or Contrivance in the Pursuit of Game, Woodcocks, or Snipes, without having a Game Certificate then in force, and prove such Offence accordingly.

Penalty on Persons trespassing on Lands in search of Game.
1 & 2 W. 4. c. 32. s. 30.
27 G. 3. c. 35. s. 10.

XII. Whosoever shall commit any Trespass by entering or being upon any Land in Search or Pursuit of Game, or Woodcocks, Snipe, Waterfowl, or Rabbits, or with any Dog, Gun, Net, Ferret, Instrument, or other Engine or Device used for the Destruction of Game, Woodcocks, Snipes, Waterfowl, or Rabbits, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money not less than *Ten Shillings* and not exceeding *Five Pounds* as to such Justice shall seem meet; provided that any Person charged with any such Trespass shall be at liberty to prove by way of Defence any Matter which would have been a Defence to an Action at Law for such Trespass; except that the Leave or Licence of the Occupier of the Land so trespassed upon shall not be a sufficient Defence in any Case where the Grantor, Landlord, Lessor, or other Person shall have the Right of killing the Game upon such Land by virtue of any Reservation or otherwise, as herein-before mentioned, but such Grantor, Landlord, Lessor, or other Person shall for the

Purpose of prosecuting for any Offence in this Section mentioned be deemed to be the legal Occupier of such Land.

Trespassers in search of Game may be required to quit the Land, and to tell their Names and Abodes, and in case of Refusal may be arrested. 1 & 2 W. 4. c. 32. s. 31.

XIII. Where any Person shall be found on any Land with any Dog, Gun, Net, Instrument, or other Engine or Device used for the Destruction of Game, Woodcocks, Snipes, Waterfowl, or Rabbits, any Person having the Right of killing the Game upon such Land, by virtue of any Reservation or otherwise, as herein-before mentioned, or for the Occupier of the Land (whether there shall or shall not be any such Right by Reservation or otherwise), or any Gamekeeper or Servant of either of them, or for any Person authorized by either of them, may require the Person so found forthwith to quit the Land whereon he shall be so found, and also to tell his Christian Name, Surname, and Place of Abode; and in case such Person shall after being so required, refuse to tell his real Name or Place of Abode, or give such a general Description of his Place of Abode as shall be illusory for the Purpose of Discovery, or wilfully continue or return upon such Land, the Party so requiring, and any Person acting by his Order and in his Aid, may apprehend such Offender, and convey him or cause him to be conveyed as soon as conveniently may be before a Justice of the Peace; and such Offender (whether so apprehended or not), upon being convicted of any such Offence before a Justice of the Peace, shall forfeit and pay such Sum of Money not less than *Ten Shillings* and not exceeding *Five Pounds* as to the convicting Justice shall seem meet: Provided, that no Person so apprehended shall on any Pretence whatsoever be detained for a longer Period than *Twelve* Hours from the Time of his Apprehension until he shall be brought before some Justice of the Peace; and if he cannot, on account of the Absence or Distance of any such Justice of the Peace, or owing to any other reasonable Cause, be brought before a Justice of the Peace within such *Twelve* Hours, then he shall be discharged, but may nevertheless be proceeded against for his Offence by Summons or Warrant, according to the Provision herein-after mentioned, as if no such Apprehension had taken place.

Game may be taken from Trespassers not delivering up the same when demanded. 1 & 2 W. 4. c. 32. s. 36.

XIV. When any Person shall be found upon any Land in Search or Pursuit of Game, Woodcocks, Snipes, or Waterfowl, and shall then and there have in his Possession any Game or Birds as aforesaid which shall appear to have been recently killed, any Person having the Right of killing the Game upon such Land, by virtue of any Reservation or otherwise, as herein-before mentioned, or the Occupier of such Land (whether there shall or shall not be any such Right by Reservation or otherwise), or any Gamekeeper or Servant of either of them, or any Person acting by the Order and in aid of any of the said Persons, may demand from the Person so found such

Game

Game or Birds as aforesaid in his Possession, and in case such Person shall not immediately deliver up the same, may take and seize the same from him, for the Use of the Person entitled to the Game upon such Land.

Penalty for killing Game on a Sunday. 27 G. 3. c. 35. s. 4. 1 & 2 W. 4. c. 32. s. 3.

XV. Whosoever shall kill or take any Game, Woodcock, Snipe, Waterfowl, or Rabbit, or use any Dog, Ferret, Gun, Net, or other Engine, Instrument, or Device for the Purpose of killing or taking any Game, Woodcock, Snipe, Waterfowl, or Rabbit, on a *Sunday*, such Person shall, on Conviction before Two Justices of the Peace, forfeit and pay for every such Offence a Sum not exceeding *Five Pounds*.

Limitation of Time for Proceedings under this Act.

XVI. The Prosecution for every Offence punishable by virtue of this Act shall be commenced within *Three* Months after the Commission of such Offence.

Mode of Procedure.

XVII. All Proceedings under this Act shall be conducted, and the Justice or Justices shall have the like Powers and Jurisdictions, and all Costs under the same shall be ordered, levied, and recovered, and with like Power of Appeal, and with like Fees to the Clerk of Petty Sessions, as by the "Petty Sessions (Ireland) Act, 1851," is directed and provided, anything in the said Act to the contrary notwithstanding; and all Proceedings under this Act that shall be instituted or carried on in the Metropolitan Police District of Dublin shall be subject to all the Provisions, Powers, and Regulations contained in any Act or Acts now in force relating to the Metropolitan Police District of Dublin.

Appropriation of Fines and Penalties.

XVIII. Where any Penal Sum shall be ordered to be paid under this Act, it shall be lawful for the Justice or Justices, as the Case may be, to award any Sum not exceeding *One Half* of such Penal Sum to the Prosecutor or Informer, and the Remainder of such Sum shall be awarded to the Crown, any Act or Acts to the contrary notwithstanding; and all Proceedings relating to the levying and enforcing of such Penal Sum shall be conducted with the like Power of Distress and Imprisonment and other Proceedings as by the "Fines and Penalties (Ireland) Act, 1851," is directed.

Prosecutor not required to prove a Negative. 1 & 2 W. 4. c. 32. s. 42.

XIX. It shall not be necessary, in any Proceedings against any Person under this Act, to negative by Evidence any Certificate, Consent, Authority, or other Matter of Exception or Defence, but the Party seeking to avail himself of any such Certificate, Consent, Authority, or other Matter of Exception or Defence, shall be bound to prove the same.

Certiorari, &c. 1 & 2 W. 4. c. 32. s. 5.

XX. No summary Conviction in pursuance of this Act, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record.

This Act not to preclude Actions for Trespass, but no double Proceedings for the same Trespass. 1 & 2 W. 4. c. 32. s. 46. 10 W. 3. c. 8. s. 17.

XXI. Provided, That nothing in this Act contained shall prevent any Person from proceeding by way of Civil Action to recover Damages in respect of any Trespas upon his Land, whether committed in Pursuit of Game or otherwise; except that where any Proceedings shall have been instituted under the Provisions of this Act against any Person for or in respect of any Trespass, no Action at Law shall be maintainable for the same Trespass by any Person at whose Instance or with whose Concurrence or Assent such Proceedings shall have been instituted, but that such Proceedings shall in such a Case be a Bar to any such Action, and may be given in Evidence on the Trial thereof.

Commencement of Act; to extend to Ireland only.

XXII. This Act shall commence and take effect on the *Day of* and shall extend and be construed to extend to Ireland only.

Short Title of Act.

XXIII. In citing this Act in other Acts of Parliament, or in any legal Instrument or Proceeding, it shall be sufficient to use the Expression "The Game (Ireland) Act, 185 ."

Game Law (Ireland).

A

BILL

TO

Consolidate and amend the Law in Ireland relating to Game.

(*Prepared and brought in by Mr. Stearne Ball Miller and Mr. Hans Hamilton*)

Ordered, by The House of Commons, *to be Printed*, 17 *May* 1858.

[Bill 90.]

Under 2 *oz.*

9 *February* 1858. 21 Vict.

A

BILL

TO

Amend the Act of the Fourth Year of King George the Fourth, Chapter Sixty-four, for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Any Minister usually officiating in any licensed Place of Worship may visit Prisoners of his own Persuasion.

I. If any Prisoner in any Gaol or House of Correction shall, as herein-after stated, declare himself to be of a Religious Persuasion differing from that of the Established Church, any Minister of Religion of such Persuasion, who shall satisfy the Visiting Justices that he is a Minister of Religion usually officiating in any Church or Chapel or other Place of Worship licensed according to Law, shall be allowed to visit him or her at proper and reasonable Times, or at any Time and Hour in the Case of any Prisoner in urgent Danger of Death, under such Restrictions imposed by the Visiting Justices as shall be necessary for guarding against the Introduction of improper Persons and preventing improper Communication.

II. The

Book to be kept showing the Religious Persuasion to which Prisoners belong.

II. The Governor of every Gaol or House of Correction shall, on receiving into his Custody any Prisoner, inquire of him what Church, Communion, or Religious Persuasion he belongs to, and shall enter his Name in a Book to be provided for that Purpose, stating in such Book the Religious Communion or Church to which such Prisoner has stated himself to belong; and the said Governor shall at all reasonable Hours allow any Minister of Religion to inspect the said Book, and to copy the Names of all Prisoners detained in such Gaol or House of Correction who shall appear by the Book to belong to the Church or Religious Denomination of which such Minister is a Pastor.

Prisoners visited by Ministers of their own Persuasion not to be required to attend Chapel.

III. No Prisoner who shall satisfy the Governor or Visiting Justices of the Gaol that he does not belong to the Established Church, and who shall be visited by some Minister of Religion of his own Persuasion, shall be required to attend the Chapel of the Prison in which he is detained.

Prisoners not required to receive Ministers of any other than their own Persuasion.

IV. No Prisoner shall be required to receive any Minister of any Religion or Persuasion to which such Prisoner shall not belong.

Gaols and Houses of Correction.

A

BILL

To amend the Act of the Fourth Year of King George the Fourth, Chapter Sixty-four, for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.

(*Prepared and brought in by Mr. Bowyer, Mr. Cox, and Mr. Hadfield*).

Ordered, by The House of Commons, *to be Printed*, 9 *February* 1858.

[Bill 13.]

Under 1 *oz.*

(No. 2)

A

BILL

TO

Explain and amend the Act of the Fourth Year of King George the Fourth, Chapter Sixty-four, for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.

WHEREAS it is provided by the Statute of the Fourth of George the Fourth, Chapter Sixty-four, Section Thirty-one, that if any Prisoner shall be of a Religious Persuasion differing from that of the Established Church, a Minister of such Persuasion, at the special Request of such Prisoner, shall be allowed to visit him or her at proper and reasonable Times, under such Restrictions imposed by the Visiting Justices as shall guard against the Introduction of improper Persons, and shall prevent improper Communications: And whereas Doubts have arisen as to the Power of the Visiting Justices to admit such Ministers to visit any such Prisoners without such special Request: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Prisoner of Religious Persuasion differing from the Established Church may be visited by Minister of such Persuasion.

I. It shall be lawful for the Visiting Justices, if any Prisoner shall be of a Religious Persuasion differing from that of the Established Church, to admit and allow a Minister of such Persuasion, without the Request of such Prisoner, to visit him or her, at such proper and reasonable Times and under such Restrictions imposed by the Visiting Justices as shall guard against the Introduction of improper Persons, and as shall prevent improper Communications.

Governor to keep in a Book the Name and Religious Communion or Church to which such Prisoner belongs.

II. The Governor of every Gaol or House of Correction shall, on receiving into his Custody any Prisoner, inquire of him what Church, Communion, or Religious Persuasion he belongs to, and shall enter his Name in a Book to be provided for that Purpose, stating in such Book the Religious Communion or Church to which such Prisoner has stated himself to belong; and the said Governor shall, at all reasonable Hours, allow any Minister of Religion admitted to visit Prisoners in the Gaol to inspect the said Book, and to copy the Names of all Prisoners detained in such Gaol or House of Correction who shall appear by the Book to belong to the Church or Religious Denomination of which such Minister is a Minister.

Gaols and Houses of Correction.

(No. 2.)

A

BILL

To explain and amend the Act of the Fourth Year of King George the Fourth, Chapter Sixty-four, for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.

(*Prepared and brought in by Mr. Bowyer, Mr. Maguire and Mr. Cox.*)

Ordered, by The House of Commons, *to be Printed,* 19 *July* 1858.

[Bill 225.]

Under 1 *oz*

A

B I L L

FOR

Amending an Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.

WHEREAS by an Act passed in the Fourth Year of His late Majesty King George the Fourth, intituled "An Act "for consolidating and amending the Laws relating to the "building, repairing, and regulating of certain Gaols and Houses of "Correction in England and Wales," it is enacted that, for the Purpose of enabling Prisoners discharged from Prison to return to their Families, or to their Place of Settlement, or to some Place of Employment where they may be engaged in a Life of honest Labour for their Maintenance and prevented from pursuing evil Courses, it should be lawful for any One or more of the Visiting Justice or Justices of any Prison to which the said Act extended from whence any Prisoner should be discharged to direct that such moderate Sum of Money should be given and paid to any and every such Prisoner so discharged as in the Judgment of such Justice or Justices should be necessary for such Purpose, and that such Sum should be provided for in such Manner as by the said Act is directed with respect to the Expense of the Support and Maintenance of the Prisoners in such Preamble.

Prison respectively: And whereas in certain Counties and Boroughs Societies have been or may hereafter be formed by Persons contributing voluntary Subscriptions of Money for the Purpose of finding Employment for Criminal Prisoners discharged from the several Prisons within such Counties and Boroughs, and enabling them, by Loans and Grants of Money, to engage in honest Labour; and it is expedient that the Authority which the Justices of the Peace now by Law have and exercise of making Grants of Money to such discharged Prisoners should be extended, and that they should be enabled, at their Discretion, to make Grants of Money through and by the Agency of such Societies: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Justices may direct Repayment to Treasurer of Societies of Sums advanced for enabling discharged Criminals to obtain Employment.

I. That whenever it shall be proved to the Satisfaction of the Justices of any County or Borough, in General or Quarter Sessions assembled, that any Sum or Sums of Money has or have been expended by any such Society as aforesaid in enabling Criminal Prisoners discharged from any Prison within such County or Borough to obtain Employment, and such Money or Monies shall appear to them to have been judiciously expended, it shall be lawful for such Justices, out of the Rates lawfully applicable to the building or repairing of such Prisons, to direct Repayment to be made to the Treasurer of such Society of all or any Portion of the Money or Monies so expended: Provided always, that no such Repayment shall be directed in any Case unless the Rules of such Society shall have been approved by Her Majesty's Principal Secretary of State for the Home Department; and provided also, that all Minutes of the Proceedings of such Society, its Journals, Accounts, and other Records, shall be at all Times open to the Inspection of such Justices of the Peace in General or Quarter Sessions assembled, or of any Inspector of Prisons, or other Person who may be authorized by Her Majesty's Principal Secretary of State for the Home Department to inspect the same; and provided also that an Account of all Sums of Money so expended shall be delivered by the Treasurer of such Society to the Clerk of the Peace of such County or Borough *Fourteen* Days at least before the First Day of the Sessions at which Application for the Repayment of such Sum or Sums of Money is intended to be made.

Gaols and Houses of Correction Act Amendment.

A

BILL

For amending an Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.

(*Prepared and brought in by Mr. Whitbread and Mr. Scholefield.*)

Ordered, by The House of Commons, *to be Printed,* 8 *July* 1858.

[Bill 191.]

Under 1 *oz.*

A

B I L L

TO

Confirm a certain Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of Skipton in the West Riding of the County of York.

Preamble.

WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of that Act, a Provisional Order in the Schedule to this Act contained, and it is expedient that the said Order should be confirmed, and further Provisions made in relation thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Skipton Provisional Order confirmed.

I. The Provisional Order of the General Board of Health contained in the Schedule hereunto annexed shall, from and after the *passing of this Act*, so far as the same is authorized by the said Public Health Act, be absolute, and be as binding, and of the like Force and Effect, as if the Provisions of the same had been expressly enacted in this Act.

Constitution of Local Board for Skipton.

II. *Six* of the Members of the Local Board of Health for the District of Skipton, the Boundaries of which are set forth in the Schedule to the Provisional Order appended to this Act, shall be elected from among Persons resident within the Boundaries of such District; and the remaining *Three* Members of the said Board shall be elected from among Persons resident within the Township of Skipton, and rated in respect of Property situate within the aforesaid District.

First Election of Skipton Local Board.

III. The First Election of the Local Board of Health for the District of Skipton, for the Purposes of the said Public Health Act, shall take place on the *Fourteenth Day of April in the Year of our Lord One thousand eight hundred and fifty-eight.*

Act incorporated with Public Health Act.

IV. This Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were One Act.

Short Title.

V. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act for Skipton, 1858."

SCHE-

SCHEDULE to which this Act refers.

SKIPTON.

Provisional Order for the Application of the Public Health Act to the District of Skipton in the West Riding of the County of York.

GENERAL BOARD OF HEALTH.

WHEREAS upon the petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the Township of Skipton in the West Riding of the County of York, the General Board of Health, appointed for the purposes of the Public Health Act, 1848, have, in pursuance of the provisions of that Act, directed William Ranger, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said Township, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Township for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Township, or having relation to the purposes of the said Act; also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundary which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry, and has reported in writing to the said General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

And whereas copies of the said Report, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it having appeared to the said General Board that the boundary which might be most advantageously adopted for the purposes of the said Act was not the same as that of the said Township with respect to which the said inquiry had been made, the said Board caused the aforesaid William Ranger to visit the parts within the boundary proposed to be adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and of the boundary proposed to be adopted for the purposes of the said Act; and did make further inquiry, and report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act; and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it appears upon such Reports that there is a certain Local Act of Parliament in force within the said Township having relation to the purposes of the said Public Health Act; that is to say,

An Act passed in the fourth year of the reign of King George the Fourth, intituled "An Act for better supplying with Water the Town of "Skipton in the West Riding of the County of York."

And whereas it appears to the said General Board to be expedient that the said Public Health Act should be applied to a district comprised within the boundary described in the Schedule to this Order annexed, and shown by the line described as "Proposed Boundary," on the map accompanying the said first printed Report to the General Board of Health, bearing date the 26th March 1857, and further described in the Appendix to the aforesaid Report (p. 23), but the same cannot be done without the authority of Parliament.

Now therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order, under my hand as President of the said Board, and under their official seal, order and direct, That from and after the day appointed for the first election of the Local Board of Health by any Act of Parliament confirming this Order—

1.—The Public Health Act, 1848, shall apply to the entire area comprised within the boundary described in the Schedule to this Order annexed, being the parts within which the said inquiry and further inquiry have been made, and such area shall be a District, for the purposes of the said Public Health Act, to be called the Skipton District.

2.—The Local Board shall consist of nine persons resident, in the manner provided by the Act confirming this Order.

3.—One-third of the said Local Board shall go out of office on the Twenty-fifth day of March in each year subsequent to that in which the first election of the said Local Board takes place.

4.—Every person shall, at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be possessed of real or personal estate, or both, to the value of not less than one thousand pounds, or shall be rated to the relief of the poor of the said District, or of some township or place of which some part is within the said District, upon an annual value of not less than twenty pounds.

5.—At the first election of the said Local Board, Henry Alcock, Esquire, of Airville, Skipton, shall have the powers and perform the duties in relation to such election vested in or imposed upon the Chairman of the Local Board of Health by the Public Health Act, 1848, and all other duties which it may be requisite for him to perform in conducting and completing the said first election; and in case the said Henry Alcock, from illness or other sufficient cause, shall be absent, or shall refuse or be unable to act, then Stephen Bailey Hall, Esquire, of Skipton aforesaid, shall act in his place.

6.—The fourteen days' notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said Henry Alcock, at his residence, Airville, Skipton; or in case he shall refuse or be unable to receive the same, then to the said Stephen Bailey Hall, at his offices, Skipton.

Given under my Hand and under the Seal of the General Board of Health, this Second day of February, in the year of our Lord One thousand eight hundred and fifty-eight.

(L.S.) (Signed) W. COWPER,
President of General Board of Health.

Schedule to which this Order refers.

The boundary of the District of the Skipton Local Board of Health, referred to in the preceding Order, is marked by a line upon the map accompanying the said first Report to the President of the General Board of Health, bearing date the 26th March 1857, the said line being described on that map as "Proposed Boundary." The said line commences at a small hull or building situate at or near Cross Bank, on the Skipton and Embsay Road, and runs thence in a northerly direction along the fence on the west side of a certain field belonging to Sir Richard Tufton, called the Storams, and in the occupation of John Kendall, to the brook called Eller Beck; thence along the course of the said brook to the point where a certain rivulet from the north-west runs into the said brook, near the reservoir or round dam of the Skipton High Mill; thence along the course of such rivulet to the point where it crosses the Short Lee Lane; thence along the said lane to the north point of the east fence of a close called Sodhill, in the occupation of John Moorhouse, and belonging to the township of Skipton; thence along the fence of the said close called Sodhill on the east and south sides thereof until it reaches the old Skipton and Gargrave Road; thence across the said road, along a certain occupation lane, to the north-west corner of a certain close belonging to the said Sir Richard Tufton, called Bull Ing, late in occupation of Robert Twisleton and now in the occupation of William Scaife; thence along the line of fence on the west side of the said last-mentioned close and the line of fence on the west side of the Bull Ing plantation, also belonging to Sir Richard Tufton, and the line of fence on the west side of a close of meadow land abutting on the new Skipton and Gargran turnpike road; thence westerly along the said road to a point where it will be in a straight line with the sunk fence on the west side of a certain close called Harwoods, belonging to Henry Alcock, and thence across the shrubbery belonging to the said Henry Alcock, and along

the said sunk fence on the west side of the said close called Harwoods to the Gowflat Lane; thence along the said lane leading towards the canal to a point where the fence on the west side of a close called Lambert Hills, belonging to Sir Richard Tufton, and in the occupation of William Stockdale, abuts on the said lane; thence along the said fence on the west side of the said last-mentioned close and a small garden upon the south of the said close to and across the Leeds and Liverpool Canal in a direct line to and across the Leeds and Bradford Railway Extension; thence in an easterly direction along the occupation road on the south of the said railway to the point where it reaches the lane called Golden Lane; thence along the said last-mentioned lane to the north-west point of a close called Low Crake Moor, in the occupation of John Howson; thence along the fences on the west sides of the said close and the adjoining close, also called Low Crake Moor, and also in the occupation of the said John Howson, to the southern extremity of such fence; thence along the brook called Eller Beck, in an easterly direction, until it passes into a certain close called Buck Dimples, also belonging to the said Sir Richard Tufton and in the occupation of John Metcalf; thence southerly along the western fence of the said close called Buck Dimples to the Waltonwrays occupation lane, leading into the Skipton and Carlton Road; thence along the said occupation lane in an easterly direction into the said Skipton and Carlton Road; thence in a southerly direction along the said last-mentioned road to the south corner of a certain close or inclosure, also belonging to the said Sir Richard Tufton, called Cross Close, and now in the occupation of Henry Hird; thence in an easterly direction along the south fence of the said last-mentioned close, and along the south fences of the two closes lying between the said close called Cross Close and the said railway, and across the said railway to the Skipton and Keighly Road; thence in a south-easterly direction along the said road to the south-west corner of a triangular close called the Paddock, also belonging to the said Sir Richard Tufton, and lying between the said road and the Leeds and Liverpool Canal; thence along the south fence of the said triangular close to and across the Leeds and Liverpool Canal to the south-west corner of a certain field edging the said canal, also belonging to the said Sir Richard Tufton, called the Far Lower Firth, in the occupation of John Howson; thence along the south fences of the last-mentioned close and the three adjoining closes called the Firth or Firth and Cornfield, in the occupation of the said John Howson, and Far Wood Bottom, in the occupation of Sarah Whitham; thence along the easterly fence of the last-mentioned close until such fence runs into the south fence of a certain other close adjoining thereon, called the Great Wood Pasture, in the occupation of John Wignall; thence along the south and east fences of the said last-mentioned close into a certain occupation lane, called the Great Wood Lane; thence along the said lane until it reaches the Old Rumblesmoor Road, and thence along the said last-mentioned road in a direction towards the town of Skipton to the south-west corner of a field or garden adjoining upon the Bath House; thence along the south fence of the said last-mentioned field or garden to the south fences of two other closes called Gill Pasture and Gill Meadow, also belonging to the said Sir Richard Tufton, now in the occupation of John Whittingham; thence in a northerly direction along the east fence of the said close called Gill Meadow; thence along the east fence of the two closes, also belonging to the said Sir Richard Tufton, called

called Sun Moor Meadow and Sun Moor, late in the occupation of Storey Watkinson, to the point where the brook called Skibedon Beck runs into the said close called Sun Moor Pasture; thence in a northerly direction along the said brook to the point where it passes under the Skipton and Otley Road; thence in a direct line to the south-west corner of a certain field called Far East Field, also belonging to the said Sir Richard Tufton, in the occupation of Robert Birtwhistle; thence along the western fence of the said last-mentioned close to the Skipton and Knaresbro' Road; thence along the said road in an easterly direction to a point opposite to the west fence of a close called Haw Bank or Rock Field, also belonging to the said Sir Richard Tufton, late in the occupation of Jeremiah Phillip, but now of his daughter Ann Wilkinson; thence along the west fences of the said last-mentioned close and the adjoining close called Cross Bank Meadow, also belonging to the said Sir Richard Tufton, and late in the occupation of the said Jeremiah Phillip, but now of his said daughter, to the Skipton and Embsay Road, and thence along the said road in a direction towards the town of Skipton to the said small hull or building first described at the commencement of the said boundary line.

General Board of Health (Skipton).

A

BILL

To confirm a certain Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of Skipton in the West Riding of the County of York.

(*Prepared and brought in by Mr. Cowper and Mr. Massey.*)

Ordered, by The House of Commons, *to be Printed*, 22 *February* 1858.

[Bill 25.]

Under 1 *oz.*

A

BILL

TO

Confirm a certain Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of Skipton in the West Riding of the County of York; and to further declare the Limits of the District of Toxteth Park in the County Palatine of Lancaster, for the Purposes of the said Act.

Preamble.

WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of that Act, a Provisional Order in the Schedule to this Act contained, and it is expedient that the said Order should be confirmed, and further Provisions made in relation thereto: And whereas Doubts have arisen as to the Limits of the District of Toxteth Park, as fixed by the Provisional Order of the said Board, bearing Date the Thirtieth Day of July One thousand eight hundred and fifty-five: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Skipton Provisional Order confirmed.

I. The Provisional Order of the General Board of Health contained in the Schedule hereunto annexed shall, from and after the *passing of this Act*, so far as the same is authorized by the said Public Health

Act, be absolute, and be as binding, and of the like Force and Effect, as if the Provisions of the same had been expressly enacted in this Act.

Constitution of Local Board for Skipton.

II. *Six* of the Members of the Local Board of Health for the District of Skipton, the Boundaries of which are set forth in the Schedule to the Provisional Order appended to this Act, shall be elected from among Persons resident within the Boundaries of such District; and the remaining *Three* Members of the said Board shall be elected from among Persons resident within the Township of Skipton, and rated in respect of Property situate within the aforesaid District.

First Election of Skipton Local Board.

III. The First Election of the Local Board of Health for the District of Skipton, for the Purposes of the said Public Health Act, shall take place on the *Twenty-eighth Day of April in the Year of our Lord One thousand eight hundred and fifty-eight.*

Limits of the District of Toxteth Park further defined.

IV. The Provisional Order of the General Board of Health, bearing Date the Thirtieth Day of July One thousand eight hundred and fifty-five, and confirmed by "The Public Health Supplemental Act, 1855," applying the Public Health Act, 1848, with certain Exceptions set forth in that Order, to the Parts included within the Boundaries of the Extra-parochial Place of Toxteth Park, as defined in an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled "An Act for better paving and improving "the Streets and Highways within the Extra-parochial Place of "Toxteth Park in the County Palatine of Lancaster, and for the "Sewerage of certain Parts of the said Place," shall be taken and held to apply only to so much of the said Extra-parochial Place as is not included within the Boundaries of the Municipal Borough of Liverpool; and the said Order is hereby declared to be of full Force and Effect within and in respect of so much of the said Extra-parochial Place as is not so included as aforesaid, and all the Acts, Contracts, Instruments, and Proceedings done, entered into, or executed by the Local Board of Health acting under the said Order, shall be and the same are hereby declared to be as valid and effectual as if the said Order had referred only to the Part of the said Extra-parochial Place not so included as aforesaid.

Act incorporated with Public Health Act.

V. This Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were One Act.

Short Title.

VI. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1858."

SCHE-

SCHEDULE.

Provisional Order for the Application of the Public Health Act to the District of Skipton in the West Riding of the County of York.

GENERAL BOARD OF HEALTH.

WHEREAS upon the petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the Township of Skipton in the West Riding of the County of York, the General Board of Health, appointed for the purposes of the Public Health Act, 1848, have, in pursuance of the provisions of that Act, directed William Ranger, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said Township, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Township for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Township, or having relation to the purposes of the said Act; also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundary which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry, and has reported in writing to the said General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

And whereas copies of the said Report, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it having appeared to the said General Board that the boundary which might be most advantageously adopted for the purposes of the said Act was not the same as that of the said Township with respect to which the said inquiry had been made, the said Board caused the aforesaid William Ranger to visit the parts within the boundary proposed to be adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and of the boundary proposed to be adopted for the purposes of the said Act; and did make further inquiry, and report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act; and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it appears upon such Reports that there is a certain Local Act of Parliament in force within the said Township having relation to the purposes of the said Public Health Act; that is to say,

An Act passed in the fourth year of the reign of King George the Fourth, intituled "An Act for better supplying with Water the Town of "Skipton in the West Riding of the County of York."

And whereas it appears to the said General Board to be expedient that the said Public Health Act should be applied to a district comprised within the boundary described in the Schedule to this Order annexed, and shown by the line described as "Proposed Boundary," on the map accompanying the said first printed Report to the General Board of Health, bearing date the 26th March 1857, and further described in the Appendix to the aforesaid Report (p. 23), but the same cannot be done without the authority of Parliament.

Now therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order, under my hand as President of the said Board, and under their official seal, order and direct, That from and after the day appointed for the first election of the Local Board of Health by any Act of Parliament confirming this Order—

1.—The Public Health Act, 1848, shall apply to the entire area comprised within the boundary described in the Schedule to this Order annexed, being the parts within which the said inquiry and further inquiry have been made, and such area shall be a District, for the purposes of the said Public Health Act, to be called the Skipton District.

2.—The Local Board shall consist of nine persons resident, in the manner provided by the Act confirming this Order.

3.—One-third of the said Local Board shall go out of office on the Twenty-fifth day of March in each year subsequent to that in which the first election of the said Local Board takes place.

4.—Every person shall, at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be possessed of real or personal estate, or both, to the value of not less than one thousand pounds, or shall be rated to the relief of the poor of the said District, or of some township or place of which some part is within the said District, upon an annual value of not less than twenty pounds.

5.—At the first election of the said Local Board, Henry Alcock, Esquire, of Airville, Skipton, shall have the powers and perform the duties in relation to such election vested in or imposed upon the Chairman of the Local Board of Health by the Public Health Act, 1848, and all other duties which it may be requisite for him to perform in conducting and completing the said first election; and in case the said Henry Alcock, from illness or other sufficient cause, shall be absent, or shall refuse or be unable to act, then Stephen Bailey Hall, Esquire, of Skipton aforesaid, shall act in his place.

6.—The fourteen days' notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said Henry Alcock, at his residence, Airville, Skipton; or in case he shall refuse or be unable to receive the same, then to the said Stephen Bailey Hall, at his offices, Skipton.

Given under my Hand and under the Seal of the General Board of Health, this Second day of February, in the year of our Lord One thousand eight hundred and fifty-eight.

(L.S.) (Signed) W. COWPER,
President of General Board of Health.

Schedule to which this Order refers.

The boundary of the District of the Skipton Local Board of Health, referred to in the preceding Order, is marked by a line upon the map accompanying the said first Report to the President of the General Board of Health, bearing date the 26th March 1857, the said line being described on that map as "Proposed Boundary." The said line commences at a small hull or building situate at or near Cross Bank, on the Skipton and Embsay Road, and runs thence in a northerly direction along the fence on the west side of a certain field belonging to Sir Richard Tufton, called the Storams, and in the occupation of John Kendall, to the brook called Eller Beck; thence along the course of the said brook to the point where a certain rivulet from the north-west runs into the said brook, near the reservoir or round dam of the Skipton High Mill; thence along the course of such rivulet to the point where it crosses the Short Lee Lane; thence along the said lane to the north point of the east fence of a close called Sodhill, in the occupation of John Moorhouse, and belonging to the township of Skipton; thence along the fence of the said close called Sodhill on the east and south sides thereof until it reaches the old Skipton and Gargrave Road; thence across the said road, along a certain occupation lane, to the north-west corner of a certain close belonging to the said Sir Richard Tufton, called Bull Ing, late in occupation of Robert Twisleton and now in the occupation of William Scaife; thence along the line of fence on the west side of the said last-mentioned close and the line of fence on the west side of the Bull Ing plantation, also belonging to Sir Richard Tufton, and the line of fence on the west side of a close of meadow land abutting on the new Skipton and Gargran turnpike road; thence westerly along the said road to a point where it will be in a straight line with the sunk fence on the west side of a certain close called Harwoods, belonging to Henry Alcock, and thence across the shrubbery belonging to the said Henry Alcock, and along

the said sunk fence on the west side of the said close called Harwoods to the Gowflat Lane; thence along the said lane leading towards the canal to a point where the fence on the west side of a close called Lambert Hills, belonging to Sir Richard Tufton, and in the occupation of William Stockdale, abuts on the said lane; thence along the said fence on the west side of the said last-mentioned close and a small garden upon the south of the said close to and across the Leeds and Liverpool Canal in a direct line to and across the Leeds and Bradford Railway Extension; thence in an easterly direction along the occupation road on the south of the said railway to the point where it reaches the lane called Golden Lane; thence along the said last-mentioned lane to the north-west point of a close called Low Crake Moor, in the occupation of John Howson; thence along the fences on the west sides of the said close and the adjoining close, also called Low Crake Moor, and also in the occupation of the said John Howson, to the southern extremity of such fence; thence along the brook called Eller Beck, in an easterly direction, until it passes into a certain close called Buck Dimples, also belonging to the said Sir Richard Tufton and in the occupation of John Metcalf; thence southerly along the western fence of the said close called Buck Dimples to the Waltonwrays occupation lane, leading into the Skipton and Carlton Road; thence along the said occupation lane in an easterly direction into the said Skipton and Carlton Road; thence in a southerly direction along the said last-mentioned road to the south corner of a certain close or inclosure, also belonging to the said Sir Richard Tufton, called Cross Close, and now in the occupation of Henry Hird; thence in an easterly direction along the south fence of the said last-mentioned close, and along the south fences of the two closes lying between the said close called Cross Close and the said railway, and across the said railway to the Skipton and Keighly Road; thence in a south-easterly direction along the said road to the south-west corner of a triangular close called the Paddock, also belonging to the said Sir Richard Tufton, and lying between the said road and the Leeds and Liverpool Canal; thence along the south fence of the said triangular close to and across the Leeds and Liverpool Canal to the south-west corner of a certain field edging the said canal, also belonging to the said Sir Richard Tufton, called the Far Lower Firth, in the occupation of John Howson; thence along the south fences of the last-mentioned close and the three adjoining closes called the Firth or Firth and Cornfield, in the occupation of the said John Howson, and Far Wood Bottom, in the occupation of Sarah Whitham; thence along the easterly fence of the last-mentioned close until such fence runs into the south fence of a certain other close adjoining thereon, called the Great Wood Pasture, in the occupation of John Wignall; thence along the south and east fences of the said last-mentioned close into a certain occupation lane, called the Great Wood Lane; thence along the said lane until it reaches the Old Rumblesmoor Road, and thence along the said last-mentioned road in a direction towards the town of Skipton to the south-west corner of a field or garden adjoining upon the Bath House; thence along the south fence of the said last-mentioned field or garden to the south fences of two other closes called Gill Pasture and Gill Meadow, also belonging to the said Sir Richard Tufton, now in the occupation of John Whittingham; thence in a northerly direction along the east fence of the said close called Gill Meadow; thence along the east fence of the two closes, also belonging to the said Sir Richard Tufton, called

called Sun Moor Meadow and Sun Moor, late in the occupation of Storey Watkinson, to the point where the brook called Skibedon Beck runs into the said close called Sun Moor Pasture; thence in a northerly direction along the said brook to the point where it passes under the Skipton and Otley Road; thence in a direct line to the south-west corner of a certain field called Far East Field, also belonging to the said Sir Richard Tufton, in the occupation of Robert Birtwhistle; thence along the western fence of the said last-mentioned close to the Skipton and Knaresbro' Road; thence along the said road in an easterly direction to a point opposite to the west fence of a close called Haw Bank or Rock Field, also belonging to the said Sir Richard Tufton, late in the occupation of Jeremiah Phillip, but now of his daughter Ann Wilkinson; thence along the west fences of the said last-mentioned close and the adjoining close called Cross Bank Meadow, also belonging to the said Sir Richard Tufton, and late in the occupation of the said Jeremiah Phillip, but now of his said daughter, to the Skipton and Embsay Road, and thence along the said road in a direction towards the town of Skipton to the said small hull or building first described at the commencement of the said boundary line.

General Board of Health (Skipton, &c.)

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B I L L

To confirm a certain Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of Skipton in the West Riding of the County of York; and to further declare the Limits of the District of Toxteth Park in the County Palatine of Lancaster, for the Purposes of the said Act.

(*Prepared and brought in by Mr. Adderley and Mr. Hardy.*)

Ordered, by The House of Commons, *to be Printed*, 15 *March* 1858.

[Bill 29.]

Under 1 *oz.*

Government of India Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 16 & 17 Vict. c. 95.

Transfer of the Government of India to Her Majesty.

Territories under the Government of the East India Company to be vested in Her Majesty; Sect. 1.

India to be governed by and in the Name of Her Majesty; 2.

Real and Personal Property of the Company to vest in Her Majesty for the Purposes of the Government of India; 3.

As to Appointments now made with the Approbation of Her Majesty or Board of Control; 4.

President and Council for Affairs of India.

A Council for the Affairs of India established; 5.

Appointment of ordinary Members on Vacancies; 6.

Removal of ordinary Members; 7.

President may sit in the House of Commons; 8.

Salaries of President and ordinary Members of Council; 9.

Four Members of Council may form a Board; 10.

Procedure at Boards; 11.

Provision as to Grants, Patronage, and Appointments; 12.

During Vacancy of Office, &c. of President, his Powers to be exercised by Secretary of State; 13.

Departments to be placed under the Charge of separate ordinary Members of Council; 14.

Establishment of President and Council to be fixed by Order of Her Majesty in Council; 15.

One Secretary may sit in House of Commons; 16.

Appointment of Officers, and their Salaries, &c.; 17.

Powers of President and Council.

President and Council to exercise Powers now exercised by the Company or Board of Control; 18.

A specified Number or Proportion of the Cadetships to be given to Sons of Civil and Military Servants; 19.

Appointments in India to continue to be made there; 20.

Existing Provisions to be applicable to President and Council, &c.; 21.

Orders and Despatches which may now be sent through Secret Committee may be sent by or to the President alone; 22.

When Order to commence Hostilities is sent to India, the Fact to be communicated to Parliament; 23.

Signature of Orders, &c. of the President and Council; 24.

Powers of Sale and Purchase, and of contracting; 25.

Warrants, &c. under Royal Sign Manual relating to India to be countersigned by the President; 26.

Application of Revenues.

Dividend of the Company, and existing and future Debts and Liabilities and Expenses, charged on Revenues of India; 27.

Revenues remitted to Great Britain, and Monies arising in Great Britain, to be paid to President in Council; 28.

Cash Balance of the Company at the Bank transferred; 29.

Stock Account to be opened at the Bank; 30.

Stock standing in the Name of the Company transferred; 31.

Power to grant Letter of Attorney for Sale, &c. of Stock and Receipt of Dividends; 32.

Provision as to Exchequer Bills and like Securities; 33.

Accounts.

Audit of Accounts in Great Britain; 34.

President and Council to make Regulations for Audit of Accounts in India; 35.

Accounts to be annually laid before Parliament; 36.

Existing Establishments and Regulations.

Indian Military and Naval Forces to remain under existing Conditions of Service; 37.

Forces paid out of Revenues of India not to be employed out of Asia; 38.

Form of Attestation, &c. on future Enlistments; 39.

Servants of the Company to be deemed Servants of Her Majesty; 40.

All Orders and Regulations of the Court of Directors or Board of Control to remain in force; 41.

Cesser of Appointments and Functions of Directors, &c.; 42.

Board

Board of Control abolished; 43.
Existing Officers on Home Establishment of the East India Company and of Commissioners for the Affairs of India transferred to the President and Council; 44.
Records of the Company to be delivered to President and Council; 45.

Actions and Contracts.

President and Council may sue and be sued; 46.
President and Council to come in the Place of the Company with regard to pending Suits, &c.; 47.
Existing Contracts, &c. of the Company to be enforced by and against President and Council; 48.
Members of Council not personally liable; 49.

Saving of certain Rights of the Company.

Payment of Expenses of the Company in respect of their Capital Stock and Dividends; 50.
Saving of the Rights of the Company in respect of the Security Fund; 51.

Commencement of the Act.

Commencement of Act; 52.

18 *February* 1858. 21 Vict.

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BILL

FOR

The better Government of India.

WHEREAS by an Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-five, "to provide for the Government of India," the Territories in the Possession and under the Government of the East India Company were continued under such Government, in trust for Her Majesty, until Parliament should otherwise provide, subject to the Provisions of that Act and of other Acts of Parliament, and the Property and Rights in the said Act referred to are held by the said Company in trust for the Crown for the Purposes of the said Government: And whereas it is expedient that the said Territories should be governed by and in the Name of Her Majesty: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say, Preamble. 16 & 17 Vict. c. 95.

Transfer of the Government of India to Her Majesty.

I. The Government of the Territories now in the Possession or under the Government of the East India Company, and all Powers in relation to Government vested in or exercised by the said Company in Territories under the Government of the East

India Company to be vested in Her Majesty.

in trust for Her Majesty, shall cease to be vested in or exercised by the said Company, and all Territories in the Possession or under the Government of the said Company, and all Rights vested in or which if this Act had not been passed might have been exercised by the said Company in relation to any Territories, shall become vested in and be exercised on behalf of Her Majesty; and for the Purposes of this Act India shall mean the Territories vested in Her Majesty as aforesaid, and all Territories which may become vested in Her Majesty by virtue of any such Rights as aforesaid.

India to be governed by and in the Name of Her Majesty.

II. India shall be governed by and in the Name of Her Majesty, and all Rights in relation to any Territories which might have been exercised by the said Company if this Act had not been passed shall and may be exercised on behalf of Her Majesty as Rights incidental to the Government of India; and all the Territorial and other Revenues of or arising in India, and all Tributes and other Payments in respect of any Territories which would have been receivable by or in the Name of the said Company if this Act had not been passed, shall be received for and in the Name of Her Majesty, and shall be applied and disposed of for the Purposes of the Government of India, subject to the Provisions of this Act.

Real and Personal Property of the Company to vest in Her Majesty for the Purposes of the Government of India.

III. All Lands and Hereditaments, Monies, Stores, Goods, Chattels, and other Real and Personal Estate of the said Company, subject to the Debts and Liabilities affecting the same respectively, and the Benefit of all Contracts, Covenants, and Engagements, and all Rights to Fines, Penalties, and Forfeitures, and all other Emoluments which the said Company shall be seised, possessed of, or entitled to at the Time of the Commencement of this Act, except the Capital Stock of the said Company and the Dividend thereon, shall become vested in Her Majesty, to be applied and disposed of, subject to the Provisions of this Act, for the Purposes of the Government of India.

As to Appointments now made with the Approbation of Her Majesty or Board of Control.

IV. The Appointments of Governor General of India, Fourth ordinary Member of the Council of India, and Governors of Presidencies in India, now made by the Court of Directors with the Approbation of Her Majesty, and the Appointments of Advocate General for the several Presidencies now made with the Approbation of the Board of Commissioners for the Affairs of India, shall be made by Her Majesty by Warrant under Her Royal Sign Manual; the Appointments of the ordinary Members of the Council of India, except the Fourth ordinary Member, shall be made by the Governor General of India, subject to the Approbation of Her Majesty, and the Appointments

ments of the Members of Council of the several Presidencies shall be made by the Governors of such respective Presidencies, subject to the like Approbation; and all such Appointments shall be subject to the Qualifications now by Law affecting such Offices respectively: Provided always, that it shall not be lawful for the Governor General of India, or the Governor of any Presidency, to appoint a Person provisionally to supply any Vacancy which may subsequently happen in the Office of Member of Council, unless the Pleasure of Her Majesty be previously signified for that Purpose; but any Person appointed by such Governor General or Governor respectively, subject to Her Majesty's Approbation, to fill an actual Vacancy in such Office, shall be entitled to sit and act as a Member of the respective Council, and shall have the Emoluments and Advantages of such Appointment in the meantime until Her Majesty's Pleasure may be signified in relation to such Appointment.

President and Council for Affairs of India.

A Council for the Affairs of India established.

V. For the Purposes of the Government of India under this Act, a Council shall be established, to consist of a President and Eight other Members, and to be styled "The President and Council for "the Affairs of India;" and it shall be lawful for Her Majesty, from Time to Time, by Warrant under Her Royal Sign Manual, to appoint a Person to be, during Her Majesty's Pleasure, President of the Council for the Affairs of India, and by like Warrants to appoint *Eight* other Persons to be ordinary Members of such Council, and of the Persons to be first appointed such ordinary Members *Two* shall be appointed for *Four* Years, *Two* for *Six* Years, *Two* for *Eight* Years, and *Two* for *Ten* Years (such respective Terms to be computed from *the Commencement of this Act*); and every Person to be appointed an ordinary Member of Council shall be a Person who has been a Director of the said Company, or has been for *Ten* Years at least in India, in the Service either of the Crown or of the said Company, or has been for *Fifteen* Years at least resident in India.

Appointment of ordinary Members on Vacancies.

VI. Every ordinary Member of Council appointed to fill a Vacancy occasioned by the Expiration of the Term of Office of an ordinary Member shall be appointed for the Term of *Eight* Years, to be computed from such Expiration; and every such ordinary Member appointed to supply the Place of an ordinary Member whose Office has become void otherwise than by the Expiration of his Term of Office shall be appointed for the Remainder of the Term of Office of such last-mentioned ordinary Member; and every Person ceasing, or who, but for Re-appointment, would cease, to be

an ordinary Member of Council by the Expiration of his Term of Office, shall be capable of being forthwith re-appointed.

Removal of ordinary Members.

VII. It shall be lawful for Her Majesty to remove any ordinary Member of Council from his Office, upon an Address of both Houses of Parliament.

President may sit in the House of Commons.

VIII. The President for the Time being shall be capable of being elected and of sitting and voting as a Member of the House of Commons; and in case the Person who immediately before the *Commencement of this Act* is the President of the Commissioners for the Affairs of India be appointed the First President of the Council established under this Act, and be at the Time of such Appointment a Member of the House of Commons, he shall not by reason of such Appointment vacate his Seat in Parliament.

Salaries of President and ordinary Members of Council.

IX. There shall be paid to the President the like yearly Salary as that for the Time being paid to One of Her Majesty's Principal Secretaries of State, and to each ordinary Member of Council the yearly Salary of *One thousand Pounds*.

Four Members of Council may form a Board.

X. Any *Four* or more of the Members of the Council may form a Board for executing all the Powers given to or vested in the President and Council for the Affairs of India, except as herein-after mentioned.

Procedure at Boards.

XI. In case at any Board at which the President is present there is a Difference of Opinion on any Question, the Determination of the President shall be final; and all Acts done at any Board in the Absence of the President shall require the Sanction or Approval in Writing of the President, or of One of Her Majesty's Principal Secretaries of State; and in case of Difference of Opinion on any Question decided at any Board, the President may require that his Opinion, and the Reasons for the same, be entered in the Minutes of the Proceedings; and any ordinary Member of Council who may have been present at the Board may require that his Opinion, and any Reasons for the same that he may have stated at the Board, be entered in like Manner.

Provision as to Grants, Patronage, and Appointments.

XII. Provided always, That no Grant whatever by way of Increase of the actual Charge for the Time being upon the Revenues of India, no Appointment by the President and Council to any Office or Employment on the Establishment of the President and Council, and no Appointment or Admission to Service to be made by the President and Council, under the Powers transferred to them by this Act, shall be made without the Concurrence of the President and

and *Four* at least of the ordinary Members of Council, but this Enactment shall not extend to Appointments of Persons becoming entitled thereto, as mentioned in Section Forty-one of the said Act of the Sixteenth and Seventeenth Years of Her Majesty, but such Appointments may be made at any Board.

During Vacancy of Office, &c. of President, his Powers to be exercised by Secretary of State.

XIII. During any Vacancy in the Office of President of the Council for the Affairs of India, and in his Absence, One of Her Majesty's Principal Secretaries of State may preside at Boards and exercise all other Powers and Authorities whatever vested in the President, as fully and in like Manner as if he were the President.

Arrangement of the Business of the Council.

XIV. The President and Council shall from Time to Time make such Arrangement and Distribution of the Business of their Establishment as to them may seem proper, and may if they think fit place any separate Department thereof under the special Charge of One or more of the ordinary Members of Council, who shall from Time to Time report in relation thereto to the Board.

Establishment of President and Council to be fixed by Order of Her Majesty in Council.

XV. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, at any Time after the *passing of this Act*, to direct and declare what Secretaries, and what Description and Number of other Officers and Servants shall constitute the Establishment of the President and Council for the Affairs of India, and from Time to Time to vary or alter such Establishment; and every such Order of Her Majesty in Council shall be laid before both Houses of Parliament within *Fourteen* Days next after the making thereof, if Parliament be sitting, and if Parliament be not sitting, then within *Fourteen* Days after the next Meeting thereof.

One Secretary may sit in House of Commons.

XVI. One of the Secretaries of the President and Council shall be from Time to Time appointed by the President, and such Secretary only shall be capable of sitting and voting as a Member of the House of Commons.

Appointment of Officers, and their Salaries, &c.

XVII. Save as aforesaid, the President and Council shall from Time to Time appoint and employ such Secretary or Secretaries, Officers and Servants, as may be authorized by any such Order of Her Majesty in Council, and the President may remove any Secretary, Officer, or Servant on the Establishment of the President and Council as he may see fit; and there shall be paid to the Secretaries, Officers and Servants, such Salaries or Remuneration as Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, may from Time to Time direct; and Her Majesty, by like Warrant, countersigned as

as aforesaid, may grant to any such Secretary, Officer or Servant, such Compensation, Superannuation, or retiring Allowance as under the Act of the Session holden in the Fourth and Fifth Years of King William the Fourth, Chapter Twenty-four, may be granted to Persons within the Provisions of that Act who have entered the Public Service since the Fourth Day of August One thousand eight hundred and twenty-nine.

4 & 5 W. 4. c. 24.

Powers of President and Council.

President and Council to exercise Powers now exercised by the Company or Board of Control.

XVIII. Save as herein otherwise provided, the President and Council shall have, exercise, and perform all such or the like Powers, Authorities, Rights, and Duties in anywise relating to or concerning the Government or Revenues of India, and all such or the like Powers of appointing to Office and admitting to Service, and over all Officers appointed or continued under this Act, as might or should have been exercised or performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or with the Sanction or Approbation of the Board of Commissioners for the Affairs of India, in relation to such Government or Revenues, and Appointments and Admissions to Service, and the Officers and Servants of the said Company respectively, and also all such Powers and Authorities as might have been exercised by the said Board of Commissioners alone.

A specified Number or Proportion of the Cadetships to be given to Sons of Civil and Military Servants.

XIX. Provided, That the President and Council shall from Time to Time, by Orders and Regulations, provide that a specified Number or Proportion of the Cadetships or First Appointments to the Military Service in India in the Disposal of the President and Council shall be given to Sons of Persons serving or having served in India in the Military or Civil Service of the Crown, or of the Company, subject to such Provisions as to Qualifications for such Appointments as may for the Time being be in force.

Appointments in India to continue to be made there.

XX. All Appointments to Offices, Commands, and Employments in India, which by Law or under any Regulations, Usage, or Custom are now made by any Authority in India, shall continue to be made in India by the like Authority and subject to the Qualifications, Conditions, and Restrictions now affecting such Appointments respectively; but the President and Council shall have the like Power to make Regulations for the Division and Distribution of Patronage and Power of Nomination among the several Authorities in India, as might have been exercised by the said Court of Directors, with the Approbation of the Board of Commissioners for the Affairs of India, if this Act had not been passed.

Existing Provisions to be appli-

XXI. All Acts and Provisions now in force concerning India shall, subject to the Provisions of this Act, continue in force and be construed

strued as referring to the President and Council for the Affairs o India, in the Place of the said Company and the Court of Directors and Court of Proprietors thereof, and all Enactments applicable to the Officers and Servants of the said Company in India, and to Appointments to Office or Admissions to Service by the said Court of Directors, shall, subject to the Provisions of this Act, remain applicable to the Officers and Servants continued and to the Officers and Servants appointed or employed in India, and to Appointments to Office and Admissions to Service under the Authority of this Act.

cable to President and Council, &c.

XXII. All such Orders and Communications as might if this Act had not been passed have been sent by the Commissioners for the Affairs of India through the Secret Committee of the Court of Directors to Governments or Presidencies in India, or to the Officers or Servants of the said Company, may, after the *Commencement of this Act*, be sent to such Governments or Presidencies, or to any Officer or Servant subject to the President and Council, by and under the Authority of the President alone, without Communication to a Board, but shall be countersigned by One of Her Majesty's Principal Secretaries of State; and any Despatches to Great Britain which might, if this Act had not been passed, have been sent from India, addressed to such Secret Committee, may be addressed to the President of the Council alone, instead of to the President and Council.

Orders and Despatches which may now be sent through Secret Committee may be sent by or to the President alone.

XXIII. When any Order is sent to India, directing the actual Commencement of Hostilities by Her Majesty's Forces in India, the Fact of such Order having been sent shall be communicated to both Houses of Parliament within *One Month* after the sending of such Order if Parliament be sitting, and if Parliament be not sitting then within *One Month* after the next Meeting of Parliament.

When Order to commence Hostilities is sent to India, the Fact to be communicated to Parliament.

XXIV. All Orders and Communications of the President and Council which shall be sent to India shall be signed by the President or One of Her Majesty's Principal Secretaries of State.

Signature of Orders, &c. of the President and Council.

XXV. The President and Council shall have full Power to sell and dispose of all Real and Personal Estate whatsoever for the Time being vested in Her Majesty under this Act, when and as they may see fit, and to purchase and acquire any Land or Hereditaments, or any Interests therein, Stores, Goods, Chattels, and other Property, and to enter into any Contracts whatsoever, as they may see fit, for the Purposes of this Act; and all Property acquired by them shall vest in Her Majesty, for the Service of the Government of India; and any Conveyance or Assurance of or concerning any Real Estate to be made by the Authority of the President and Council may be made

Powers of Sale and Purchase, and contracting.

under the Hand and Seal of the President, and any such Contract as aforesaid may be signed by One of the Secretaries of the President and Council.

Warrants, &c. under Royal Sign Manual relating to India to be countersigned by the President. 17 & 18 Vict. c. 77.

XXVI. Any Warrant or Writing under Her Majesty's Royal Sign Manual, which by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Seventy-seven, is required to be countersigned by the President of the Board of Commissioners for the Affairs of India, shall in lieu of being so countersigned be countersigned by the President of the Council for the Affairs of India; but every Warrant or Writing for the Appointment of the President of the Council for the Affairs of India, and the Warrant or Warrants for the First Appointment of the other Members of such Council, shall be countersigned by One of Her Majesty's Principal Secretaries of State, and during any Vacancy in the Office of the said President any Warrant or Writing under the Royal Sign Manual required under this Act or otherwise to be countersigned by such President shall be countersigned by such Secretary of State.

Application of Revenues.

Dividend of the Company, and existing and future Debts and Liabilities and Expenses, charged on Revenues of India.

XXVII. The Dividend on the Capital Stock of the said Company secured by the Act of the Third and Fourth Years of King William the Fourth, Chapter Eighty-five, until the Redemption thereof, and all the Bond Debt of the said Company in Great Britain, and all the Territorial Debt and all other Debts of the said Company, and all Sums of Money, Costs, Charges, and Expenses, which if this Act had not been passed would after the Time appointed for the Commencement thereof have been payable by the said Company out of the Revenues of India, in respect or by reason of any Treaties, Covenants, Contracts, Grants, or Liabilities then existing, and all Expenses, Debts, and Liabilities which after the *Commencement of this Act* shall be lawfully contracted and incurred on account of the Government of India, and all Payments under this Act, shall be charged and chargeable upon the Revenues of India, as the same would have been if this Act had not been passed, and such Expenses, Debts, Liabilities, and Payments as last aforesaid had been Expenses, Debts, and Liabilities lawfully contracted and incurred by the said Company, and such Revenues shall not be applied to any other Purpose whatsoever, and all other Monies vested in or arising or accruing from Property or Rights vested in Her Majesty under this Act, or to be received or disposed of by the President and Council under this Act, shall be applied in aid of such Revenues.

Revenues remitted to Great Bri-

XXVIII. Such Part of the Revenues of India as shall be from Time to Time remitted to Great Britain, and all Monies arising or accruing in

in Great Britain from any Property or Rights vested in Her Majesty by this Act, or from the Sale or Disposition thereof, shall be paid to the President and Council, to be by them applied for the Purposes of this Act; and all Monies to be paid to the President and Council shall be paid into the Bank of England, to the Credit of an Account to be opened by the Governor and Company of the Bank of England, to be intituled "The Account of the President and Council for the Affairs of India;" and all Monies to be placed to the Credit of such Account under this Act shall be paid out upon Drafts or Orders signed by the President or Two ordinary Members of Council, and countersigned by One of the Secretaries of the President and Council, and such Account shall be a public Account.

tain, and Monies arising in Great Britain, to be paid to President in Council.

XXIX. Such Amount of Money as at the Time of the *Commencement of this Act* may be standing to the Credit of the East India Company at the Bank of England shall be transferred by the Governor and Company of the Bank of England to the Credit of the Account to be opened in the Name of the President and Council as aforesaid.

Cash Balance of the Company at the Bank transferred.

XXX. There shall be raised in the Books of the Governor and Company of the Bank of England such Accounts as may be necessary in respect of any Stock or Stocks of Government Annuities, and all such Accounts respectively shall be intituled "The Stock Account of the President and Council for the Affairs of India," and every such Account shall be a public Account.

Stock Account to be opened at the Bank.

XXXI. Such Government Stock or Stocks as at the Time of the *Commencement of this Act* may be standing in the Name of the East India Company in the Books of the said Governor and Company shall be transferred by the Chief Cashier or the Chief Accountant of the said Governor and Company to the proper Account or Accounts to be raised as aforesaid.

Stock standing in the Name of the Company transferred.

XXXII. The President and Council for the Time being, by Letter of Attorney, executed by the President or Two ordinary Members of Council, and countersigned by One of the Secretaries of the President and Council, may authorize all or any of the Cashiers of the Bank of England to sell and transfer all or any Part of the Stock or Stocks standing or that may thereafter stand in the Books of the said Bank to the several Accounts of the President and Council, and to purchase and accept Stock on the said Accounts, and to receive the Dividends due and to become due on the several Stocks standing or that may thereafter stand on the said Accounts, and by any Writing, signed by the President or Two ordinary Members of Council, and countersigned as aforesaid, may direct the Application of the

Power to grant Letter of Attorney for Sale, &c. of Stock and Receipt of Dividends.

Monies to be received in respect of such Sales and Dividends, and no Stock shall be purchased or sold and transferred by any of the said Cashiers under the Authority of such General Letter of Attorney, except upon an Order in Writing directed to the said Chief Cashier and Chief Accountant from Time to Time, and duly signed and countersigned as aforesaid.

Provision as to Exchequer Bills and like Securities.

XXXIII. All Exchequer Bills, Exchequer Bonds, or other Government Securities or other Securities of whatsoever kind not herein-before referred to which shall be held by the Governor and Company of the Bank of England in trust for or on account of the East India Company at the time of the *Commencement of this Act*, shall thenceforward be held by the said Governor and Company in trust for and on account of the said President and Council, and all such Securities as aforesaid, and all such Securities as may thereafter be lodged with the said Governor and Company by or on behalf of the said President and Council, shall and may be disposed of and the Proceeds thereof applied as may be authorized by Order in Writing signed by the President or Two ordinary Members of Council and countersigned by One of the Secretaries of the President and Council, and directed to the said Chief Cashier and Chief Accountant.

Accounts.

Audit of Accounts in Great Britain.

XXXIV. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to appoint from Time to Time a fit Person to be Auditor of the Accounts of the President and Council, and to authorize such Auditor to appoint and remove from Time to Time such Assistants as may be specified in such Warrant, and every such Auditor shall hold Office during good Behaviour, and there shall be paid to such Auditor and Assistants such respective Salaries as Her Majesty, by Warrant as aforesaid countersigned as aforesaid, may direct, and such Auditor shall audit the Accounts of the Receipt, Expenditure, and Disposal in Great Britain of all Monies, Stores, and Property applicable for the Purposes of this Act, and the President and Council shall by their Officers and Servants produce and lay before such Auditor from Time to Time all such Accounts, accompanied by proper Vouchers for the Support of the same, and shall submit to his Inspection all Books, Papers, and Writings having relation thereto, and such Auditor shall have Power to examine all such Officers and Servants in Great Britain of the President and Council as he may see fit in relation to such Accounts, and the Receipt, Expenditure, or Disposal of such Monies, Stores, and Property, and for that Purpose, by Writing under his Hand, to summon before him any such Officer or Servant; and such Auditor shall have full Power to examine, audit, allow, and disallow the said Accounts and Items therein, and shall charge in such Accounts all Sums

Sums of Money, Stores, and Property which ought to be accounted for and are not brought into account, and if such Accounts be found correct, such Auditor shall sign the same in token of his Allowance thereof, and such Auditor shall have Power to append to such Accounts such Remarks or Observations in relation thereto as he may see fit; and the Allowance or Disallowance of such Accounts, together with such Remarks or Observations of the Auditor, shall be shown and stated in the Accounts by this Act required to be from Time to Time laid before Parliament.

President and Council to make Regulations for Audit of Accounts in India.

XXXV. The President and Council shall with all convenient Speed frame Regulations for securing an effectual Audit of the Accounts of the Receipt, Expenditure, and Disposal of Revenues, Monies, and Stores in India, and for appointing Auditors of such Accounts, and enforcing the Transmission or Delivery of Accounts to such Auditors, and for the recovering of Balances, and for determining the Powers and Duties of such Auditors in relation to such Audit, and generally for rendering such Audit speedy and effectual, and such Regulations shall within *One Year* after the Commencement of this Act be laid before both Houses of Parliament.

Accounts to be annually laid before Parliament.

XXXVI. The President and Council shall, within the first *Fourteen* Days during which Parliament may be sitting, next after the First Day of March in every Year, lay before both Houses of Parliament an Account for the last financial Year of the annual Produce of the Revenues of India, distinguishing the same, and the respective Heads thereof, at each of the several Presidencies or Governments; and of all the annual Receipts and Disbursements at home and abroad on account of the Government of India, distinguishing the same under the respective Heads thereof, together with the latest Estimate of the same; and also the Amount of the Debts chargeable on the Revenues of India, with the Rates of Interest they respectively carry, and the annual Amount of such Interest; the State of the Effects and Credits at each Presidency or Government, and in England or elsewhere, applicable to the Purposes of the Government of India, according to the latest Advices which have been received thereof; and also a List of the several Government Establishments in India, and of the Establishment of the President and Council, and the Salaries and Allowances payable in respect thereof; and if any new or increased Salaries, Establishments, or Pensions have been granted or created within any Year, the Particulars thereof shall be specially stated and explained at the Foot of the Account of such Year.

Existing Establishments and Regulations.

Indian Military and Naval Forces to

XXXVII. The Military and Naval Forces of the East India Company shall be deemed to be the Indian Military and Naval Forces of Her

remain under existing Conditions of Service.

Her Majesty, and shall be under the same Obligations to serve Her Majesty as they would have been under to serve the said Company, and shall be liable to serve within the same territorial Limits only, for the same Terms only, and be entitled to the like Pay, Pensions, Allowances, Privileges, and Advantages as if they had continued in the Service of the said Company; such Forces, and all Persons hereafter enlisting in or entering the same, shall continue and be subject to all Acts of Parliament, Laws of the Governor General of India in Council, and Articles of War, and all other Laws, Regulations, and Provisions relating to the East India Company's Military and Naval Forces respectively, as if Her Majesty's Indian Military and Naval Forces respectively had throughout such Acts, Laws, Articles, Regulations, and Provisions been mentioned or referred to, instead of such Forces of the said Company, and the Pay and Expenses of and incident to Her Majesty's Indian Military and Naval Forces shall be defrayed out of the Revenues of India.

Forces paid out of Revenues of India not to be employed out of Asia.

XXXVIII. Provided, That no such Military Forces as aforesaid, or any other Military Force hereafter paid out of the Revenues of India under this Act, shall while so paid be employed out of Asia.

Form of Attestation, &c. on future Enlistments.

XXXIX. The Forms of Attestation and of the Oath or Declaration to be used and taken or made respectively on attesting Persons to serve in Her Majesty's Indian Forces shall be such as Her Majesty with regard to the European Forces, and the Governor General of India in Council with regard to the Native Forces, shall from Time to Time direct.

Servants of the Company to be deemed Servants of Her Majesty.

XL. All Persons who at the Time of the *Commencement of this Act* shall hold any Offices, Employments, or Commissions whatever under the said Company in India shall thenceforth be deemed to hold such Offices, Employments, and Commissions under Her Majesty as if they had been appointed under this Act, and shall be paid out of the Revenues of India.

All Orders and Regulations of the Court of Directors or Board of Control to remain in force.

XLI. All Orders, Directions, Rules, and Regulations lawfully given or made before the *Commencement of this Act* by the Court of Directors or by the Commissioners for the Affairs of India shall remain in force; but the same shall, from and after the Commencement of this Act, be deemed to be the Orders, Directions, Rules, and Regulations of the President and Council established under this Act, and take effect and be construed and be subject to Alteration or Revocation accordingly.

Cesser of Appointments and

XLII. All Functions and Powers of Courts of Proprietors and Courts of Directors of the said Company in relation to the Government

ment of India, and all Appointments of such of the Directors of the said Company as have been appointed by Her Majesty, shall cease, and the yearly Sums payable to the Chairman, Deputy Chairman, and other Directors of the said Company, shall cease to be payable, and after the *passing of this Act* all Powers vested in Her Majesty of appointing Directors of the said Company shall cease and determine. Functions of Directors, &c.

XLIII. The Appointments and Powers of Appointment of Commissioners for the Affairs of India shall cease and determine. Board of Control abolished.

XLIV. The Secretaries and other Officers and Servants on the Home Establishment of the said Company and of the Commissioners for the Affairs of India shall on the *Commencement of this Act* be transferred to the Service of the said President and Council, and may be employed in or appointed to such Departments, Offices, and Employments as the President and Council may think fit, but shall be removable as if appointed under this Act; and such Transfer of any Person to the Service of the said President and Council shall be deemed to be a Continuance of his previous Appointment or Employment, and shall not prejudice any Claims which he might have had in respect of Length of Service if his Service under the said Company or Commissioners had continued; and Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, may from Time to Time grant to any such Secretary, Officer, or Servant so transferred such Superannuation or Retiring Allowance as might have been granted to him by the said Company or Commissioners if this Act had not been passed; or, where the Services of any such Secretary, Officer, or Servant are not required by the President and Council, it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned as aforesaid, to grant to such Person such Compensation, either by way of a gross or annual Payment, as, having regard to the Circumstances, may seem just. Existing Officers on Home Establishment of the East India Company and of Commissioners for the Affairs of India transferred to the President and Council.

XLV. All Books, Records, and Archives of the said Company, except such Books and Documents as concern the Ownership of Shares in the Capital Stock of the said Company and the Payments to the Proprietors of such Capital Stock of their respective Shares of the Dividend thereon, shall be delivered into the Care and Custody of the President and Council as they may direct. Records of the Company to be delivered to President and Council.

Actions and Contracts.

XLVI. The President and Council shall and may sue and be sued by the Name of the President and Council for the Affairs of India, as if they were a Body Corporate. President and Council may sue and be sued.

President and Council to come in the Place of the Company with regard to pending Suits, &c.

XLVII. The President and Council shall, with respect to all Actions, Suits, and Proceedings by or against the said Company pending at the Time of the *Commencement of this Act*, come in the Place of the said Company, and that without the Necessity of substituting the Name of the President and Council for that of the said Company.

Contracts &c. of the Company be be enforced by and against President and Council.

XLVIII. All Contracts, Covenants, and Engagements of the said Company made or entered into before the *Commencement of this Act* may be enforced by and against the President and Council in their own Name, in like Manner as they might have been by and against the said Company if this Act had not been passed.

Members of Council not personally liable.

XLIX. No Member of the said Council shall be personally liable in respect of any such Contract, Covenant, or Engagement of the said Company as aforesaid, or in respect of any Contract entered into under the Authority of this Act, or other Liability of the said President and Council in their official Capacity; but all such Liabilities, and all Costs and Damages of the said President and Council in respect thereof, shall be satisfied and paid out of the Revenues of India.

Saving of certain Rights of the Company.

Payment of Expenses of the Company in respect of their Capital Stock and Dividend.

L. It shall be lawful for the President and Council to pay to the said Company out of the Revenues of India such annual Sum as Her Majesty, by Warrant under Her Royal Sign Manual countersigned by the Chancellor of the Exchequer, may direct, for defraying the Expenses of and incident to the Payment to the Proprietors of the Capital Stock of the said Company of their respective Shares of the Dividend on such Stock, and of keeping the Books of the said Company for Transfers, and otherwise in relation to such Stock.

Saving of the Rights of the Company in respect of the Security Fund.

LI. Nothing herein contained shall affect the Right of the said Company to demand the Redemption of the Dividend on their Capital Stock secured by the said Act of the Third and Fourth Years of King William the Fourth; and all the Provisions of the said Act concerning the Security Fund thereby created shall remain in force, save that when the Approbation of the Commissioners for the Affairs of India is required in relation to the Disposal of the said Security Fund the Approbation of the President and Council for the Affairs of India shall be required.

Commencement of the Act.

Commencement of Act.

LII. Save as herein otherwise provided, this Act shall commence and take effect on the Expiration of *Thirty* Days after the Day of the passing thereof.

Government of India.

A

B I L L

For the better Government of India.

(Prepared and brought in by Viscount Palmerston, Mr. Vernon Smith, and the Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
18 *February* 1858.

[Bill 24.]

Under 3 oz.

Government of India Bill (No. 2.)

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Preamble recites 16 & 17 Vict. c. 95.

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(No. 2.)

A

B I L L

TO

Transfer the Government of India from the East India Company to Her Majesty the Queen.

WHEREAS by an Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-five, "to provide for the Government of India," the Territories in the Possession and under the Government of the East India Company were continued under such Government, in trust for Her Majesty, until Parliament should otherwise provide, subject to the Provisions of that Act and of other Acts of Parliament, and the Property and Rights in the said Act referred to are held by the said Company in trust for Her Majesty for the Purposes of the said Government: And whereas it is expedient that the said Territories should be governed by and in the Name of Her Majesty: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say, Preamble. 16 & 17 Vict. c. 95.

Transfer of the Government of India to Her Majesty.

I. The Government of the Territories now in the Possession or under the Government of the East India Company, and all Powers in relation to Government vested in or exercised by the said Company in trust for Her Majesty, shall cease to be vested in or exercised by the said Company, and all Territories in the Possession or under the Government Territories under the Government of the East India Company to be vested in Her Majesty.

Government of the said Company, and all Rights vested in or which if this Act had not been passed might have been exercised by the said Company in relation to any Territories, shall become vested in and be exercised on behalf of Her Majesty; and for the Purposes of this Act India shall mean the Territories vested in Her Majesty as aforesaid, and all Territories which may become vested in Her Majesty by virtue of any such Rights as aforesaid.

India to be governed by and in the Name of Her Majesty.

II. India shall be governed by and in the Name of Her Majesty, and all Rights in relation to any Territories which might have been exercised by the said Company if this Act had not been passed shall and may be exercised on behalf of Her Majesty as Rights incidental to the Government of India; and all the Territorial and other Revenues of or arising in India, and all Tributes and other Payments in respect of any Territories which would have been receivable by or in the Name of the said Company if this Act had not been passed, shall be received for and in the Name of Her Majesty, and shall be applied and disposed of for the Purposes of the Government of India, subject to the Provisions of this Act.

Secretary of State to exercise Powers now exercised by the Company or Board of Control.

III. Save as herein otherwise provided, One of Her Majesty's Principal Secretaries of State shall have and perform all such or the like Powers and Duties in anywise relating to the Government or Revenues of India, and all such or the like Powers over all Officers appointed or continued under this Act, as might or should have been exercised or performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or by the Direction or with the Sanction or Approbation of the Commissioners for the Affairs of India, in relation to such Government or Revenues, and the Officers and Servants of the said Company respectively, and also all such Powers as might have been exercised by the said Commissioners alone; and any Warrant or Writing under Her Majesty's Royal Sign Manual, which by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Seventy-seven, or otherwise, is required to be countersigned by the President of the Commissioners for the Affairs of India, shall in lieu of being so countersigned be countersigned by One of Her Majesty's Principal Secretaries of State.

Four Principal Secretaries and Four Under Secretaries of State may sit in the House of Commons.

IV. After the *Commencement of this Act* any *Four* of Her Majesty's Principal Secretaries of State for the Time being, and any *Four* of the Under Secretaries for the Time being to Her Majesty's Principal Secretaries of State, may sit and vote as Members of the House of Commons, but not more than *Four* such Principal Secretaries and not more than *Four* such Under Secretaries shall sit as Members of the House of Commons at the same Time.

V. In

V. In case the Person who immediately before *the Commencement of this Act* is the President of the Commissioners for the Affairs of India be appointed, upon or within *One Month* after the Commencement of this Act, One of Her Majesty's Principal Secretaries of State, and be at the Time of such Appointment a Member of the House of Commons, he shall not by reason of such Appointment vacate his Seat in Parliament.

Seat of President of Board of Control in the House of Commons not vacated.

VI. In case Her Majesty be pleased to appoint a Fifth Principal Secretary of State, there shall be paid out of the Revenues of India to such Principal Secretary of State and to his Under Secretaries respectively the like yearly Salaries as may for the Time being be paid to any other of such Secretaries of State and his Under Secretaries respectively.

Salaries of One Secretary of State and his Under Secretaries to be paid out of the Revenue of India.

VII. Until Her Majesty be pleased to appoint a Secretary of State for the Purposes of this Act, or by Warrant under Her Royal Sign Manual to direct One of the Principal Secretaries of State to exercise the Powers vested in the Secretary of State under this Act, the Person who at the Time of the *Commencement of this Act* is President of the Commissioners for the Affairs of India shall exercise all such Powers, and be in the Place of the Secretary of State for the Purposes of this Act.

Until Appointment of Secretary of State President of Board of Control to act.

Council of India.

VIII. For the Purposes of this Act a Council shall be established, to consist of *Eighteen* Members, and to be styled the Council of India; and henceforth the Council in India now bearing that Name shall be styled the Council of the Governor General of India.

Council of India established.

IX. The Thirteen Persons herein-after named; viz.,

First Members of Council.

shall be Members of the said Council from *the Commencement of this Act*, and such Persons and their Successors respectively are herein-after designated as the First Member of the Council, the Second Member of the Council, and so on progressively in the Order in which such Persons are herein-before named, and the remaining Members herein-after designated as the Fourteenth, Fifteenth, Sixteenth, Seventeenth, and Eighteenth Members respectively shall be elected as herein-after mentioned as soon as conveniently may be after the *Commencement of this Act.*

Vacancies among the Nine first-named Members to be filled by the Crown from among Persons having specified Qualifications.

X. Upon every Vacancy in any of the Offices of the Nine Members of the Council first named in this Act, and their Successors, it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint some other Person to such Office, qualified as herein-after mentioned; (that is to say,)

The First Member to be a Person who has been *Ten* Years at least in the Civil Service of the Government of India in the North-western Provinces, or in Territories under the direct Authority of the Governor General in Council:

The Second Member to be a Person who has been *Ten* Years at least in such Civil Service in the Lower Provinces of Bengal:

The Third and Fourth Members respectively to be Persons who have been *Ten* Years at least in such Civil Service in the Madras and Bombay Presidencies respectively:

The Fifth Member to be a Person who has been *Ten* Years at least in India in the Service of the Government of India, and who during *Five* Years at least of such Period has served as Political Agent or Resident in any of the Native States:

The Sixth Member to be a Person who has served for *Five* Years at least in Her Majesty's Army in India:

And the Seventh, Eighth, and Ninth Members respectively to be Persons who have served *Ten* Years at least in the Bengal, Madras, and Bombay Armies respectively.

Supply of Vacancies among the last Four named Members (by Election).

Constituency.

XI. Every Vacancy in any of the Offices of the Tenth, Eleventh, Twelfth, and Thirteenth Members of the Council shall be supplied by Persons to be elected as herein-after mentioned from among Persons who have been *Ten* Years at least in India, in the Service of Her Majesty or of the Government of India in any Department, whether Legal, Civil, Naval, or Military, or who have been *Fifteen* Years at least resident in India; and the Persons qualified to vote in the Election of such Members shall be,—

All Proprietors of *One thousand Pounds* or upwards in the Capital Stock of the East India Company:

All Proprietors of Capital Stock or paid-up Capital in any Company incorporated by Act of Parliament for making any Railway or other public Work in India to the Amount of *Two thousand Pounds* or upwards:

All Persons who have been Ten Years at least in India as Commissioned Officers in the Military Service of Her Majesty, or in the Military or Naval Service of the East India Company, or as Civil Servants of the East India Company, or in the Civil Service of Her Majesty:

Provided always, that no Person shall be entitled to vote in the Election of any such Member as aforesaid unless he have been qualified

qualified as aforesaid for *Six* Months before the Election, and be resident in the United Kingdom, and be registered according to the Regulations herein-after mentioned.

Election of the Fourteenth, Fifteenth, Sixteenth, Seventeenth, and Eighteenth Members of the Council.

XII. The Fourteenth Member of the Council shall be from Time to Time elected by the Persons entitled to vote in the Election of Members to serve in Parliament for the City of London:

The Fifteenth Member of the Council shall be from Time to Time elected by the Persons entitled to vote in the Election of Members to serve in Parliament for the City of Manchester:

The Sixteenth Member of the Council shall be from Time to Time elected by the Persons entitled to vote in the Election of Members to serve in Parliament for the Borough of Liverpool:

The Seventeenth Member of the Council shall be from Time to Time elected by the Persons entitled to vote in the Election of Members to serve in Parliament for the City of Glasgow:

And the Eighteenth Member of the Council shall be from Time to Time elected by the Persons entitled to vote in the Election of Members to serve in Parliament for the Borough of Belfast:

And no Person shall be elected such Fourteenth, Fifteenth, Sixteenth, Seventeenth, or Eighteenth Member unless he have been during *Five* Years at least engaged in the Commerce between India and the United Kingdom, or in the Manufacture of Goods for Exportation to India, or have been *Ten* Years at least resident in India:

For the Election of the Fourteenth, Fifteenth, Sixteenth, Seventeenth, and Eighteenth Members of the Council Warrants shall be forthwith after *the Commencement of this Act*, and from Time to Time thereafter as Occasion may require, issued by One of Her Majesty's Principal Secretaries of State to the Returning Officers to whom Writs for the Election of Members to serve in Parliament for the said Cities and Boroughs respectively are by Law required to be issued; and such Elections of Members of the Council shall be conducted and had in like Manner as Elections of Members to serve in Parliament, and the Return to such Warrants shall be made to the Secretary of State, and all Laws concerning the Expenses of such last-mentioned Elections and otherwise in relation to such Elections, so far as the same are applicable, shall extend to the Elections of such Members of the Council.

Term of Office of the Members of the Council named in the Act and first elected.

XIII. *Six* of the First Members of the Council appointed by and elected under this Act shall go out of Office at the Expiration of *Two* Years from the Commencement of this Act, and *Six* others of such First Members shall go out of Office at the Expiration of *Four* Years from such Commencement, and the remaining *Six* of such

Members shall go out of Office at the Expiration of *Six* Years from such Commencement:

The Members to go out of Office at the Expiration of such *Two* Years and *Four* Years shall in each Case be Three of the Nine Members first named in this Act, and Three Members from among the Four Members last named in this Act and the first Members elected under this Act, and such Nine first-named Members shall determine by Ballot among themselves which of their Number shall be the Three Members to go out of Office at the Expiration of such *Two* Years and *Four* Years respectively, and such Four last-named Members and first elected Members shall determine among themselves which of their Number shall be the Three Members to go out of Office at the Expiration of such *Two* Years and *Four* Years respectively; and the Secretary of State shall preside at the taking of every such Ballot as aforesaid.

Term of Office of Members appointed and elected to supply Vacancies.

XIV. Every Person appointed or elected to fill a Vacancy occasioned by the Expiration of the Term of Office of a Member of the Council shall be appointed or elected for the Term of *Six* Years, to be computed from such Expiration, and every Person appointed or elected to supply the Place of a Member whose Office has become void otherwise than by the Expiration of his Term of Office shall be appointed or elected for the Remainder of such Term:

And every Person ceasing, or who but for Re-appointment or Re-election would cease to be a Member of the Council by the Expiration of his Term of Office, shall be capable of being appointed or elected to supply the Vacancy occasioned by such Expiration.

Council to make Regulations as to certain Elections.

XV. It shall be lawful for the Council from Time to Time to make Regulations for registering the Persons entitled to vote under this Act in the Election of Persons to supply Vacancies among the Tenth, Eleventh, Twelfth, and Thirteenth Members of the Council, and for the Manner and Conduct of such Elections, and the Returns of the Results of such Elections; and the Times and Places of the first and subsequent Elections of such Members under this Act shall be appointed by the Council.

Committtee of Council to determine Questions at Elections.

XVI. The Council shall appoint from Time to Time *Five* of their Members to be a Committee for trying and determining all Questions as to the due Election or Return of any Member of the Council, including all Questions as to Qualification, and the Determination of such Committee shall be final; and for the Purpose of trying the Merits of any such Election or Return such Committee shall have Power to examine Witnesses on Oath, which Oath the Clerk attending the

the Committee may administer; and any Person giving false Evidence before such Committee in relation to any such Election or Return shall be liable to the Penalties of wilful and corrupt Perjury; and it shall be lawful for the Council from Time to Time to make Regulations for the Verification of the Qualifications of Members elected under this Act, and for determining how and within what Time Complaints of undue Elections or Returns of Members may be presented, and for securing the due Prosecution of such Complaints, and as to the Manner in which Questions as to such Elections and Returns shall be tried and determined by such Committee.

In certain Elections Electors may vote by Proxy.

XVII. If upon the Occasion of an Election of a Person to supply any Vacancy among the Tenth, Eleventh, Twelfth, and Thirteenth Members of the Council any registered Voter be desirous of voting by Letter of Attorney, he shall be at liberty so to do, provided that such Letter of Attorney express the Name or Names of the Candidate or Candidates for whom such registered Voter is desirous of voting, and be executed within *Ten* Days next before such Election; and no such Letter of Attorney shall be subject to any Stamp Duty.

Removal of Members of the Council.

XVIII. It shall be lawful for Her Majesty to remove any Member of the Council from his Office upon an Address of both Houses of Parliament; and if Parliament be not sitting, it shall be lawful for the Council, with the Approval of Her Majesty, to suspend any Member of the Council for criminal or disgraceful Conduct; and a Statement of the Fact of such Suspension and of the Grounds thereof shall be laid before both Houses of Parliament within *Fourteen* Days after the next Meeting thereof; and unless both Houses of Parliament within *Thirty* Days after such Meeting thereof address Her Majesty for the Reversal of such Suspension, the Member so suspended shall cease to be a Member of the Council.

Members of the Council not to sit in the House of Commons.

XIX. No Member of the Council appointed or elected by or under this Act, shall be capable of being elected or of sitting or voting as a Member of the House of Commons.

Salaries of Members of Council.

XX. There shall be paid to each Member of the Council the yearly Salary of *One thousand Pounds.*

Secretaries and Officers of the Council of India.

XXI. The Secretaries and other Officers and Servants on the Home Establishment of the said Company, and on the Establishment of the Commissioners for the Affairs of India, immediately before the Commencement of this Act shall on *such Commencement* be and form the Establishment of the Council of India; and the Secretary of State shall with all convenient Speed make such Arrangement of the said Establishments, and such Reductions therein, as may seem to him

him consistent with the due Conduct of the Public Business, and shall within *Six* Months after the Commencement of this Act submit a Scheme for the permanent Establishment to Her Majesty in Council; and it shall be lawful for Her Majesty, by the Advice of Her Privy Council, upon Consideration of such Scheme, to fix and declare what shall constitute and be the Establishment of the Council of India, and what Salaries shall be paid to the Persons on the Establishment, and the Order of Her Majesty in Council shall be laid before both Houses of Parliament within *Fourteen* Days after the next Meeting thereof, if Parliament be sitting, and if Parliament be not sitting, then within *Fourteen* Days after the next Meeting thereof; and after such Establishment has been formed by such Order in Council no Addition of Persons shall be made to such Establishment, nor any Addition made to the Salaries authorized by such Order, without the Consent in Writing of the Chancellor of the Exchequer.

Removal of Officers and Supply of Vacancies.

XXII. All Persons on the Establishment of the Council shall be subject to be removed by the Secretary of State; and after the First Formation of such Establishment it shall be lawful for such Council, according to such General Regulations and Restrictions as such Council may from Time to Time establish in this Behalf, to make all First Appointments to junior Clerkships and inferior Offices on Vacancies in such Establishment; provided that the Order of Her Majesty in Council of the Twenty-first Day of May One thousand eight hundred and fifty-five, or such other Regulations as may be from Time to Time established by Her Majesty for Examinations, Certificates, Probation, or other Tests of Fitness, in relation to Appointments to junior Situations in the Civil Service, shall apply to such Appointments on the Establishment of the said Council; and all Promotions in such Establishment shall be made by the Secretary of State; and the Secretary of State shall also from Time to Time appoint the Secretaries or Assistant Secretaries and Heads of Departments in such Establishment.

Compensations to Officers on Home Establishment of the Company and of Board of Control not retained on new Establishment.

XXIII. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to grant to any Secretary, Officer, or Servant on the Home Establishment of the said Company, or on the Establishment of the said Commissioners, who in consequence of such Reduction as aforesaid by the Secretary of State or under such Order in Council is not retained on the Establishment of the Council of India, any Compensation, either by way of a gross or annual Payment, as, having regard to the Circumstances, may seem just.

Superannuations to Officers.

XXIV. It shall be lawful for Her Majesty, by Warrant countersigned as aforesaid, to grant to any such Secretary, Officer, or Servant as aforesaid, retained on such last-mentioned Establishment, such Compensation,

Compensation, Superannuation, or retiring Allowance on his ceasing to hold Office, as might have been granted to him if this Act had not been passed, and the Transfer of any Person to the Service of the said Council shall be deemed to be a Continuance of his previous Appointment or Employment, and shall not prejudice any Claims which he might have had in respect of Length of Service if his Service under the said Company or Commissioners had continued; and it shall be lawful for Her Majesty, by Warrant countersigned as aforesaid, to grant to any Secretary, Officer, or Servant appointed on the Establishment of the said Council after the First Formation thereof such Compensation, Superannuation, or retiring Allowance as under the Act of the Session holden in the Fourth and Fifth Years of King William the Fourth, Chapter Twenty-four, may be granted to Persons within the Provisions of that Act who have entered the Public Service since the Fourth Day of August One thousand eight hundred and twenty-nine.

Duties and Procedure of the Council.

Duties of the Council.

XXV. The Council shall, under the Direction of the Secretary of State, and subject to the Provisions of this Act, conduct the Business transacted in the United Kingdom in relation to the Government of India and the Correspondence with India in the Public Department, but every Order or Communication sent to India shall be signed by One of the Principal Secretaries of State; and save as expressly provided by this Act, every Order in the United Kingdom in relation to the Government of India under this Act shall be signed by such Secretary of State, and all Despatches from Governments and Presidencies in India, and other Despatches from India, which if this Act had not been passed should have been addressed to the Court of Directors or to their Secret Committee, shall be addressed to such Secretary of State.

Secretary of State to divide the Council into Committees, and to regulate the Transaction of Business.

XXVI. It shall be lawful for the Secretary of State to divide the Council into Committees for the more convenient Transaction of Business, and from Time to Time to re-arrange such Committees, and to direct what Departments of the Business in relation to the Government of India under this Act shall be under such Committees respectively, and generally to direct the Manner in which all such Business shall be transacted.

President and Vice-President.

XXVII. The Secretary of State shall be the President of the Council, and it shall be lawful for such Secretary of State to appoint from Time to Time any Member of such Council to be Vice-President thereof, and any such Vice-President may at any Time be removed by the Secretary of State.

Meetings of the Council.

XXVIII. All Powers by this Act required to be exercised at Meetings of the Council, and all other Powers of the Council, save such as may be vested in Committees of such Council under this Act, shall and may be exercised at Meetings of such Council, at which not less than *Six* Members shall be present, and at every Meeting the Secretary of State, or in his Absence the Vice-President, if present, shall preside, and in the Absence of the Secretary of State and Vice-President, One of the Members of the Council present shall be chosen by the Members present to preside at the Meeting; and such Council may act notwithstanding the full Number of Members thereof may be incomplete, by reason of any of the First Elective Members not having been elected, or by reason of any subsequent Vacancy: Meetings of the Council shall be convened and held when and as the Secretary of State shall from Time to Time direct; and upon Requisition in Writing by *Six* or more of the Members of the Council, One of their Secretaries or Assistant Secretaries shall convene a Meeting of such Council, giving *Three* Days Notice in Writing thereof to the Secretary of State and each Member of the Council.

Procedure at Meetings.

XXIX. The Questions at any Meeting of the Council at which the Secretary of State is not present shall be determined by the Votes of the Majority of the Members present, and in case of an Equality of Votes, the Vice-President shall have a Second or Casting Vote; but at any Meeting of the Council at which the Secretary of State is present, if there be a Difference of Opinion on any Question, except as to the Validity of Elections or Returns of Members, or as to such Appointments and Admissions to Service as by this Act are authorized to be made by the Council, the Determination of the Secretary of State shall be final; and all Acts done at any Meeting of the Council in the Absence of the Secretary of State shall, except as to such Elections and Returns, Appointments and Admissions to Service as aforesaid, require his Sanction or Approval in Writing; and in case of Difference of Opinion on any Question decided at any Meeting, the Secretary of State may require that his Opinion, and the Reasons for the same, be entered in the Minutes of the Proceedings, and any Member of the Council who may have been present at the Meeting may require that his Opinion, and any Reasons for the same, that he may have stated at the Meeting, be entered in like Manner.

Secret Committee.

XXX. The Vice-President, and such *Two* other Members of the Council as the Secretary of State may from Time to Time in this Behalf appoint, shall be a Secret Committee of Council for the Purposes of this Act; and any such Member so appointed may at any Time be removed by the Secretary of State.

XXXI. Every

Orders, &c. in the Public Department to be open to the Perusal of Members of Council, who may record their Opinions.

XXXI. Every Order or Communication proposed to be sent to India, and every Order proposed to be made in the United Kingdom in the Public Department by the Secretary of State, shall, unless the same has been submitted to a Meeting of the Council, be placed in the Council Room for the Perusal of all Members of the Council during *Seven* Days before the sending or making thereof; except in the Cases herein-after provided; and it shall be lawful for any Member of the Council to record in a Minute Book, to be kept for that Purpose, his Opinion with respect to each such Order or Communication, and a Copy of every Opinion so recorded shall be sent forthwith to the Secretary of State.

Secretary of State acting against the Opinions of the Majority to record his Reasons.

XXXII. If a Majority of the Council record as aforesaid their Opinions against any Act proposed to be done, the Secretary of State shall, if he do not defer to the Opinions of the Majority, record his Reasons for acting in opposition thereto.

Provision for Cases of Urgency.

XXXIII. Provided, That where it appears to the Secretary of State that the Despatch of any Order or Communication, or the making of any Order in the Public Department is urgently required, Notice thereof shall be given to every Member of the Council; but the Communication may be sent or Order given notwithstanding the same may not have been submitted to a Meeting of the Council or deposited for *Seven* Days as aforesaid, the urgent Reasons for sending or making the same being recorded by the Secretary of State.

Orders now sent through Secret Committee to be communicated to the Secret Committee of Council.

XXXIV. All such Orders and Communications as might, if this Act had not been passed, have been sent by the Commissioners for the Affairs of India through the Secret Committee of the Court of Directors to Governments or Presidencies in India, or to the Officers or Servants of the said Company, may, after the *Commencement of this Act*, be sent to such Governments or Presidencies, or to any Officer or Servant in India, by the Secretary of State, without having been deposited for the Perusal of the Members of the Council, and without Notice to such Members; provided that every such Order and Communication, or a Copy thereof, shall, before the sending thereof, be communicated to the Secret Committee of Council under this Act.

Secret Despatches from India only to be communicated to the Secret Committee.

XXXV. Any Despatches to Great Britain which might if this Act had not been passed have been addressed to the Secret Committee of the Court of Directors, may be marked "Secret" by the Authorites sending the same, and such Despatches shall be communicated by the Secretary of State to the Secret Committee of Council, but shall not be communicated to other Members of the Council, unless the Secretary of State shall so think fit and direct.

Appointments and Patronage.

Appointments to be made by or with the Approbation of Her Majesty.

XXXVI. The Appointments of Governor General of India, Fourth Ordinary Member of the Council of the Governor General of India, and Governors of Presidencies in India, now made by the Court of Directors with the Approbation of Her Majesty, and the Appointments of Advocate General for the several Presidencies now made with the Approbation of the Commissioners for the Affairs of India, shall be made by Her Majesty by Warrant under Her Royal Sign Manual; the Appointments of the Ordinary Members of the Council of the Governor General of India, except the Fourth Ordinary Member, and the Appointments of Lieutenant Governors of Provinces or Territories, shall be made by the Governor-General of India, subject to the Approbation of Her Majesty; and the Appointments of the Members of Council of the several Presidencies shall be made by the Governors of such respective Presidencies, subject to the like Approbation; and all such Appointments shall be subject to the Qualifications now by Law affecting such Offices respectively: Provided always, that it shall not be lawful for the Governor General of India, or the Governor of any Presidency, to appoint a Person provisionally to supply any Vacancy which may subsequently happen, unless the Pleasure of Her Majesty be previously signified for that Purpose; but any Person appointed by such Governor General or Governor respectively, subject to Her Majesty's Approbation, to fill an actual Vacancy, shall be entitled to act under the Appointment, and shall have all the Powers, Emoluments, and Advantages of such Appointment in the meantime until Her Majesty's Pleasure may be signified in relation to such Appointment.

Appointments now made in India to continue to be made there.

XXXVII. All Appointments to Offices, Commands, and Employments in India, which by Law, or under any Regulations, Usage, or Custom, are now made by any Authority in India, shall continue to be made in India by the like Authority, and subject to the Qualifications, Conditions, and Restrictions now affecting such Appointments respectively; but the Secretary of State and Council shall have the like Power to make Regulations for the Division and Distribution of Patronage and Power of Nomination among the several Authorities in India, and the like Power of restoring to their Stations, Offices, or Employments, Officers and Servants suspended or removed by any Authority in India as might have been exercised by the said Court of Directors, with the Approbation of the Commissioners for the Affairs of India, if this Act had not been passed.

Other Appointments and Admis-

XXXVIII. All Powers of appointing Cadets, Military and Naval, and all other Powers of appointing and admitting to Service not herein

herein otherwise expressly provided for, which would or might have been exercised by the Court of Directors of the said Company if this Act had not been passed, shall be vested in Her Majesty: Provided that the Names of such Persons as may from Time to Time be recommended by the Council, under Resolutions made at their Meetings, for Appointments or Admissions to Service, shall be submitted to Her Majesty by the Secretary of State: Provided also, that Appointments of Persons becoming entitled thereto as mentioned in Section Forty-one of the said Act of the Sixteenth and Seventeenth Years of Her Majesty may be made by any Committee of the Council as the Secretary of State shall direct. sions to Service.

XXXIX. All Powers of making Regulations in relation to Appointments and Admissions to Service and other Matters connected therewith, and of altering or revoking such Regulations, which if this Act had not been passed might have been exercised by the Court of Directors or Commissioners for the Affairs of India, may be exercised at Meetings of the Council, subject to the Approbation of Her Majesty, and all Regulations in force at the Time of *the Commencement of this Act* in relation to the Matters aforesaid shall remain in force, subject nevertheless to Alteration or Revocation by the Council as aforesaid. Regulations as to Appointments and Admissions to Service.

XL. Any Writing under the Royal Sign Manual, removing or dismissing any Person holding any Office, Employment, or Commission, Civil or Military, in India, of which, if this Act had not been passed, a Copy would have been required to be transmitted or delivered within Eight Days after being signed by Her Majesty, to the Chairman or Deputy Chairman of the Court of Directors shall, in lieu thereof, be communicated within the Time aforesaid to the Council. Removal of Officers by Her Majesty.

Transfer of Property.

XLI. All Lands and Hereditaments, Monies, Stores, Goods, Chattels, and other Real and Personal Estate of the said Company, subject to the Debts and Liabilities affecting the same respectively, and the Benefit of all Contracts, Covenants, and Engagements, and all Rights to Fines, Penalties, and Forfeitures, and all other Emoluments which the said Company shall be seised or possessed of, or entitled to at the Time of the *Commencement of this Act*, except the Capital Stock of the said Company and the Dividend thereon, shall become vested in Her Majesty, to be applied and disposed of, subject to the Provisions of this Act, for the Purposes of the Government of India. Real and Personal Property of the Company to vest in Her Majesty for the Purposes of the Government of India.

Powers of Sale and Purchase, and contracting.

XLII. The Council shall have full Power, by the Direction or with the Consent of the Secretary of State, to sell and dispose of all Real and Personal Estate whatsoever for the Time being vested in Her Majesty under this Act, when and as they may see fit, or to raise Money on any such Real Estate by way of Mortgage, and make the proper Assurances for that Purpose, and to purchase and acquire any Land or Hereditaments, or any Interests therein, Stores, Goods, Chattels, and other Property, and to enter into any Contracts whatsoever, as they may see fit, for the Purposes of this Act; and all Property acquired by them shall vest in Her Majesty for the Service of the Government of India; and any Conveyance or Assurance of or concerning any Real Estate to be made by the Authority of the Secretary of State and Council may be made under the Hands and Seals of *Three* Members of the Council, with the Consent in Writing of the Secretary of State, and any such Contract as aforesaid may be signed by *Three* Members of the Council.

Revenues.

Dividend of the Company, and existing and future Debts and Liabilities and Expenses, charged on Revenues of India.

XLIII. The Dividend on the Capital Stock of the said Company secured by the Act of the Third and Fourth Years of King William the Fourth, Chapter Eighty-five, until the Redemption thereof, and all the Bond and other Debt of the said Company in Great Britain, and all the Territorial Debt and all other Debts of the said Company, and all Sums of Money, Costs, Charges, and Expenses, which if this Act had not been passed would after the Time appointed for the Commencement thereof have been payable by the said Company out of the Revenues of India, in respect or by reason of any Treaties, Covenants, Contracts, Grants, or Liabilities then existing, and all Expenses, Debts, and Liabilities which after the *Commencement of this Act* shall be lawfully contracted and incurred on account of the Government of India, and all Payments under this Act, shall be charged and chargeable upon the Revenues of India alone, as the same would have been if this Act had not been passed, and such Expenses, Debts, Liabilities, and Payments as last aforesaid had been Expenses, Debts, and Liabilities lawfully contracted and incurred by the said Company, and such Revenues shall not be applied to any other Purpose whatsoever; and all other Monies vested in or arising or accruing from Property or Rights vested in Her Majesty under this Act, or to be received or disposed of by the Council under this Act, shall be applied in aid of such Revenues.

Revenues remitted to Great Britain, and Monies

XLIV. Such Part of the Revenues of India as shall be from Time to Time remitted to Great Britain, and all Monies of the said Company in their Treasury or under the Care of their Cashier, and all other

other Monies in Great Britain of the said Company, or which would have been received by them in Great Britain if this Act had not been passed, and all Monies arising or accruing in Great Britain from any Property or Rights vested in Her Majesty by this Act, or from the Sale or Disposition thereof, shall be paid to the Council, to be by them applied for the Purposes of this Act; and all Monies to be paid to the Council, except as herein-after otherwise provided, shall be paid into the Bank of England, to the Credit of an Account to be opened by the Governor and Company of the Bank of England to be intituled "The Account of the Council of India;" and all Monies to be placed to the Credit of such Account under this Act shall be paid out upon Drafts or Orders signed by *Three* Members of the Council, and countersigned by One of the Secretaries or Assistant Secretaries of the Council, and such Account shall be a public Account: Provided always, that the Council may cause to be kept, from Time to Time, under the Care of their Cashier, such Sum or Sums of Money as they may deem necessary for the Payments now made out of Money under the Care of the Cashier of the said Company.

arising in Great Britain, to be paid to President in Council.

XLV. Such Amount of Money as at the Time of the *Commencement of this Act* may be standing to the Credit of the East India Company at the Bank of England shall be transferred by the Governor and Company of the Bank of England to the Credit of the Account to be opened in the Name of the Council as aforesaid.

Cash Balance of the Company at the Bank transferred.

XLVI. There shall be raised in the Books of the Governor and Company of the Bank of England such Accounts as may be necessary in respect of any Stock or Stocks of Government Annuities, and all such Accounts respectively shall be intituled "The Stock Account of the Council of India," and every such Account shall be a public Account.

Stock Account to be opened at the Bank.

XLVII. Such Government Stock or Stocks as at the Time of the *Commencement of this Act* may be standing in the Name of the East India Company in the Books of the said Governor and Company shall be transferred by the Chief Cashier or the Chief Accountant of the said Governor and Company to the proper Account or Accounts to be raised as aforesaid.

Stock standing in the Name of the Company transferred.

XLVIII. The Council, by Letter of Attorney executed by Three Members of the Council, and countersigned by One of the Secretaries or Assistant Secretaries of the Council, may authorize all or any of the Cashiers of the Bank of England to sell and transfer all or any Part of the Stock or Stocks standing or that may thereafter stand in the Books of the said Bank to the several Accounts of the Council, and to purchase and accept Stock on the said Accounts,

Power to grant Letter of Attorney for Sale, &c. of Stock and Receipt of Dividends.

and to receive the Dividends due and to become due on the several Stocks standing or that may thereafter stand on the said Accounts, and by any Writing signed by *Three* Members of the Council, and countersigned as aforesaid, may direct the Application of the Monies to be received in respect of such Sales and Dividends, but no Stock shall be purchased or sold and transferred by any of the said Cashiers under the Authority of such General Letter of Attorney, except upon an Order in Writing directed to the said Chief Cashier and Chief Accountant from Time to Time, and duly signed and countersigned as aforesaid.

Provision as to Exchequer Bills and like Securities.

XLIX. All Exchequer Bills, Exchequer Bonds, or other Government Securities, or other Securities, of whatsoever Kind, not hereinbefore referred to, which shall be held by the Governor and Company of the Bank of England in trust for or on account of the East India Company at the Time of the *Commencement of this Act*, shall thenceforward be held by the said Governor and Company in trust for and on account of the Council; and all such Securities as aforesaid, and all such Securities as may thereafter be lodged with the said Governor and Company by or on behalf of the Council, shall and may be disposed of and the Proceeds thereof applied as may be authorized by Order in Writing signed by the *Three* Members of the Council, and countersigned by One of the Secretaries or Assistant Secretaries of the Council, and directed to the said Chief Cashier and Chief Accountant.

Powers of borrowing vested in the Company transferred to Council.

L. All Powers of issuing Bonds, Debentures, and other Securities for Money in Great Britain which, if this Act had not been passed, might have been exercised by the said Company, or the Court of Directors, under the Direction and Control of the Commissioners for the Affairs of India, or otherwise, shall and may be exercised by the Council of India, under the Direction of the Secretary of State, and such Securities as might have been issued under the Seal of the said Company shall be issued under the Hands of *Three* Members of the Council and countersigned by One of their Secretaries or Assistant Secretaries.

Forgery to be punishable as Forgery of East India Bonds.

LI. All Provisions now in force in anywise relating to the Offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any East India Bond, with Intent to defraud, shall extend and be applicable to and in respect of any Bond, Debenture, or Security issued by the Council of India under the Authority of this Act.

Present System of issuing

LII. The Regulations and Practice now acted on by the Court of Directors on the Issue of Warrants or Authorities for the Payment of

of Money shall be maintained and acted on by the Council of India under this Act until the same be altered by the Authority of Her Majesty in Council; provided that where a Warrant or Authority for the Payment of Money passes through the Audit Department before Payment, it shall be countersigned by such Officer or Officers of the Audit Department as the Secretary of State or the Council may direct before Payment shall be made; and that Warrants or Authorities which have heretofore been signed by Two Directors of the East India Company shall, after the Commencement of this Act, be signed by *Three* Members of the Council of India.

Warrants for Payments to be continued.

LIII. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to appoint from Time to Time a fit Person to be Auditor of the Accounts of the Council, and to authorize such Auditor to appoint and remove from Time to Time such Assistants as may be specified in such Warrant; and every such Auditor shall hold Office during good Behaviour; and there shall be paid to such Auditor and Assistants such respective Salaries as Her Majesty, by Warrant as aforesaid countersigned as aforesaid, may direct; and such Auditor shall examine and audit the Accounts of the Receipt, Expenditure, and Disposal in Great Britain of all Monies, Stores, and Property applicable for the Purposes of this Act; and the Council shall by their Officers and Servants produce and lay before such Auditor from Time to Time all such Accounts, accompanied by proper Vouchers for the Support of the same, and shall submit to his Inspection all Books, Papers, and Writings having relation thereto; and such Auditor shall have Power to examine all such Officers and Servants in Great Britain of the Council as he may see fit in relation to such Accounts, and the Receipt, Expenditure, or Disposal of such Monies, Stores, and Property, and for that Purpose, by Writing under his Hand, to summon before him any such Officer or Servant; and such Auditor shall report from Time to Time to the Secretary of State his Approval or Disapproval of such Accounts, with such Remarks and Observations in relation thereto as he may think fit; and shall specify in detail in his Reports all Sums of Money, Stores, and Property which ought to be accounted for, and are not brought into account or have not been appropriated, in conformity with the Provisions of this Act, or have been expended or disposed of without due Authority, and shall also specify any Defects, Inaccuracies, or Irregularities which may appear in such Accounts, or in the Authorities, Vouchers, or Documents having relation thereto; and all such Reports shall be laid before both Houses of Parliament together with the Accounts of the Year to which the same may relate.

Audit of Accounts in Great Britain.

Accounts to be annually laid before Parliament.

LIV. The Council shall, within the first *Fourteen* Days during which Parliament may be sitting next after the First Day of March in every Year lay before both Houses of Parliament an Account for the last financial Year of the annual Produce of the Revenues of India, distinguishing the same under the respective Heads thereof, at each of the several Presidencies or Governments, and of all the annual Receipts and Disbursements at home and abroad on account of the Government of India, distinguishing the same under the respective Heads thereof, together with the latest Estimate of the same for the current Year, and also the Amount of the Debts chargeable on the Revenues of India, with the Rates of Interest they respectively carry, and the annual Amount of such Interest, the State of the Effects and Credits at each Presidency or Government, and in England or elsewhere, applicable to the Purposes of the Government of India, according to the latest Advices which have been received thereof, and also a List of the several Government Establishments in India, and of the Establishment of the Council, and the Salaries and Allowances payable in respect thereof; and if any new or increased Salaries or Pensions of Fifty Pounds a Year or upwards have been granted or created within any Year, the Particulars thereof shall be specially stated and explained at the Foot of the Account of such Year.

Commissioners to proceed to India to inquire into the Finances and Accounts

LV. It shall be lawful for Her Majesty, by Commission under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to appoint any Number of Persons, not exceeding *Three*, as to Her Majesty may seem fit, to proceed to India, and inquire there into the Finances and Financial Accounts of the several Presidencies and Governments, and especially into the Collection, Receipt, and Management of and the Manner of accounting for the Revenues of India, and the Application of such Revenues and other Public Monies in India, and the Mode of auditing the Accounts of the Receipts and Expenditure of such Public Monies, and securing the due Application thereof, and to report to Her Majesty on the Matters aforesaid, and to recommend such Regulations and Provisions in relation thereto as in their Judgment may seem expedient; and such Commissioners shall have full Power to call before them and examine any Persons in the Service of Her Majesty in India, and to require such Returns and Explanations, and the Production of such Official Documents, as such Commissioners may think fit; and there shall be paid to such Commissioners out of the Revenues of India such Salaries and Allowances as by such Commission may be directed, but so that the same shall not be payable for a longer Period than *Three* Years from the Arrival of the said Commissioners respectively in India.

Existing

Existing Establishments.

Indian Military and Naval Forces to remain under existing Conditions of Service.

LVI. The Military and Naval Forces of the East India Company shall be deemed to be the Indian Military and Naval Forces of Her Majesty, and shall be under the same Obligations to serve Her Majesty as they would have been under to serve the said Company, and shall be liable to serve within the same territorial Limits only, for the same Terms only, and be entitled to the like Pay, Pensions, Allowances, and Privileges, and the like Advantages as regards Promotion and otherwise, as if they had continued in the Service of the said Company: Such Forces, and all Persons hereafter enlisting in or entering the same, shall continue and be subject to all Acts of Parliament, Laws of the Governor General of India in Council, and Articles of War, and all other Laws, Regulations, and Provisions relating to the East India Company's Military and Naval Forces respectively, as if Her Majesty's Indian Military and Naval Forces respectively had throughout such Acts, Laws, Articles, Regulations, and Provisions been mentioned or referred to, instead of such Forces of the said Company; and the Pay and Expenses of and incident to Her Majesty's Indian Military and Naval Forces shall be defrayed out of the Revenues of India.

Provision for Persons hereafter entering Her Majesty's Indian Forces.

LVII. Provided, That it shall be lawful for Her Majesty from Time to Time by Order in Council to alter or regulate the Terms and Conditions of Service under which Persons hereafter entering Her Majesty's Indian Forces shall be commissioned, enlisted, or entered to serve, and the Forms of Attestation and of the Oath or Declaration to be used and taken or made respectively on attesting Persons to serve in Her Majesty's Indian Forces shall be such as Her Majesty with regard to the European Forces, and the Governor General of India in Council with regard to the Native Forces, shall from Time to Time direct.

Servants of the Company to be deemed Servants of Her Majesty.

LVIII. All Persons who at the Time of the *Commencement of this Act* shall hold any Offices, Employments, or Commissions whatever under the said Company in India shall thenceforth be deemed to hold such Offices, Employments, and Commissions under Her Majesty as if they had been appointed under this Act, and shall be paid out of the Revenues of India.

All Orders of the Court of Directors or Board of Control to remain in force.

LIX. All Orders, Regulations, and Directions lawfully given or made before the *Commencement of this Act* by the Court of Directors or by the Commissioners for the Affairs of India shall remain in force; but the same shall, from and after the *Commencement of this Act*, be deemed to be the Orders, Regulations, and Directions under this

this Act, and take effect and be construed and be subject to Alteration or Revocation accordingly.

Cesser of Appointments and Functions of Directors, &c.

LX. All Functions and Powers of Courts of Proprietors and Courts of Directors of the said Company in relation to the Government of India, and all Appointments of such of the Directors of the said Company as have been appointed by Her Majesty, shall cease, and the yearly Sums payable to the Chairman, Deputy Chairman, and other Directors of the said Company shall cease to be payable, and all Powers vested in Her Majesty of appointing Directors of the said Company shall cease and determine.

Board of Control abolished.

LXI. The Appointments and Powers of Appointment of Commissioners for the Affairs of India shall cease and determine.

Records of the Company to be delivered to Council.

LXII. All Books, Records, and Archives of the said Company, except such Books and Documents as concern the Ownership of Shares in the Capital Stock of the said Company, and the Payments to the Proprietors of such Capital Stock of their respective Shares of the Dividend thereon, shall be delivered into the Care and Custody of the Council as they may direct.

Continuance of existing Enactments.

Existing Provisions to be applicable to Secretary of State and Council, &c.

LXIII. All Acts and Provisions now in force concerning India shall, subject to the Provisions of this Act, continue in force, and be construed as referring to the Secretary of State and the Council of India, as the Case may require, in the Place of the said Company and the Court of Directors and Court of Proprietors thereof, and all Enactments applicable to the Officers and Servants of the said Company in India, and to Appointments to Office or Admissions to Service by the said Court of Directors, shall, subject to the Provisions of this Act, remain applicable to the Officers and Servants continued and to the Officers and Servants appointed or employed in India, and to Appointments to Office and Admissions to Service under the Authority of this Act.

Actions and Contracts.

Council may sue and be sued.

LXIV. The Council shall and may sue and be sued by the Name of the Council of India, as if they were a Body Corporate.

Council to come in the Place of the Company with regard to pending Suits, &c.

LXV. The Council shall, with respect to all Actions, Suits, and Proceedings by or against the said Company pending at the Time of the *Commencement of this Act*, come in the Place of the said Company, and that without the Necessity of substituting the Name of the Council for that of the said Company.

LXVI. All

LXVI. All Contracts, Covenants, and Engagements of the said Company made or entered into before the *Commencement of this Act* may be enforced by and against the Council in their own Name, in like Manner as they might have been by and against the said Company if this Act had not been passed. Contracts, &c. of the Company may be enforced by and against Council.

LXVII. No Member of the Council shall be personally liable in respect of any such Contract, Covenant, or Engagement of the said Company as aforesaid, or in respect of any Contract entered into under the Authority of this Act, or other Liability of the said Council in their official Capacity; but all such Liabilities, and all Costs and Damages of the said Council in respect thereof, shall be satisfied and paid out of the Revenues of India. Members of Council not personally liable.

Saving of certain Rights of the Company.

LXVIII. It shall be lawful for the Council to pay to the said Company out of the Revenues of India such annual Sum as Her Majesty, by Warrant under Her Royal Sign Manual countersigned by the Chancellor of the Exchequer, may direct for defraying the Expenses of and incident to the Payment to the Proprietors of the Capital Stock of the said Company of their respective Shares of the Dividend on such Stock, and of keeping the Books of the said Company for Transfers, and otherwise in relation to such Stock. Payment of Expenses of the Company in respect of their Capital Stock and Dividend.

LXIX. Nothing herein contained shall affect the Preference secured by the said Act of the Third and Fourth Years of King William the Fourth to the Dividend on the Capital Stock of the said Company or the Right of the said Company to demand the Redemption of the said Dividend secured by such Act; and all the Provisions of the said Act concerning the Security Fund thereby created shall remain in force, save that when the Approbation of the Commissioners for the Affairs of India is required in relation to the Disposal of the said Security Fund the Approbation of the Secretary of State shall be required. Saving of the Rights of the Company in respect of their Dividend and Security Fund.

Commencement of the Act.

LXX. This Act shall commence and take effect on *the Day next after the passing thereof.* Commencement of Act.

LXXI. This Act shall be proclaimed in the several Presidencies and Governments of India as soon as conveniently may be after such Act has been received by the Governor General of India; and until such Proclamation be made all Acts, Matters, and Things done, ordered, directed, or authorized in India in the Name of the East Provision as to Proceedings in India before the Act is proclaimed there.

East India Company, or otherwise in relation to the Government of India, shall be as valid and effectual as if this Act had not been passed.

Government of India.

(No. 2.)

A

B I L L

To transfer the Government of India from the East India Company to Her Majesty the Queen.

(Prepared and brought in by Mr. Chancellor of the Exchequer, Lord Stanley, and Mr. Secretary Walpole.)

Ordered, by The House of Commons, *to be Printed,* 26 *March* 1858.

[Bill 41.] *Under* 4 *oz.*

Government of India Bill.

(No. 3.)

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(No. 3.)

A

BILL

FOR

The better Government of India.

WHEREAS by an Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-five, "to provide for the Government of India," the Territories in the Possession and under the Government of the East India Company were continued under such Government, in trust for Her Majesty, until Parliament should otherwise provide, subject to the Provisions of that Act and of other Acts of Parliament, and the Property and Rights in the said Act referred to are held by the said Company in trust for Her Majesty for the Purposes of the said Government: And whereas it is expedient that the said Territories should be governed by and in the Name of Her Majesty: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Preamble.

16 & 17 Vict. c. 95.

Transfer of the Government of India to Her Majesty.

I. The Government of the Territories now in the Possession or under the Government of the East India Company, and all Powers in

Territories under the Government

of the East India Company to be vested in Her Majesty.

in relation to Government vested in or exercised by the said Company in trust for Her Majesty, shall cease to be vested in or exercised by the said Company, and all Territories in the Possession or under the Government of the said Company, and all Rights vested in or which if this Act had not been passed might have been exercised by the said Company in relation to any Territories, shall become vested in and be exercised on behalf of Her Majesty; and for the Purposes of this Act India shall mean the Territories vested in Her Majesty as aforesaid, and all Territories which may become vested in Her Majesty by virtue of any such Rights as aforesaid.

India to be governed by and in the Name of Her Majesty.

II. India shall be governed by and in the Name of Her Majesty, and all Rights in relation to any Territories which might have been exercised by the said Company if this Act had not been passed shall and may be exercised on behalf of Her Majesty as Rights incidental to the Government of India; and all the Territorial and other Revenues of or arising in India, and all Tributes and other Payments in respect of any Territories which would have been receivable by or in the Name of the said Company if this Act had not been passed, shall be received for and in the Name of Her Majesty, and shall be applied and disposed of for the Purposes of the Government of India, subject to the Provisions of this Act.

Secretary of State to exercise Powers now exercised by the Company or Board of Control.

III. Save as herein otherwise provided, One of Her Majesty's Principal Secretaries of State shall have and perform all such or the like Powers and Duties in anywise relating to the Government or Revenues of India, and all such or the like Powers over all Officers appointed or continued under this Act, as might or should have been exercised or performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or by the Direction or with the Sanction or Approbation of the Commissioners for the Affairs of India in relation to such Government or Revenues, and the Officers and Servants of the said Company respectively, and also all such Powers as might have been exercised by the said Commissioners alone; and any Warrant or Writing under Her Majesty's Royal Sign Manual, which by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Seventy-seven, or otherwise, is required to be countersigned by the President of the Commissioners for the Affairs of India, shall in lieu of being so countersigned be countersigned by One of Her Majesty's Principal Secretaries of State.

Four Principal Secretaries and Four Under

IV. After the *Commencement of this Act* any *Four* of Her Majesty's Principal Secretaries of State for the Time being, and any *Four* of the Under Secretaries for the Time being to Her Majesty's

Majesty's Principal Secretaries of State, may sit and vote as Members of the House of Commons, but not more than *Four* such Principal Secretaries and not more than *Four* such Under Secretaries shall sit as Members of the House of Commons at the same Time. Secretaries of State may sit in the House of Commons.

V. In case the Person who immediately before *the Commencement of this Act* is the President of the Commissioners for the Affairs of India be appointed, upon or within *One Month* after the Commencement of this Act, One of Her Majesty's Principal Secretaries of State, and be at the Time of such Appointment a Member of the House of Commons, he shall not by reason of such Appointment vacate his Seat in Parliament. Seat of President of Board of Control in the House of Commons not vacated.

VI. In case Her Majesty be pleased to appoint a Fifth Principal Secretary of State, there shall be paid out of the Revenues of India to such Principal Secretary of State and to his Under Secretaries respectively the like yearly Salaries as may for the Time being be paid to any other of such Secretaries of State and his Under Secretaries respectively. Salaries of One Secretary of State and his Under Secretaries to be paid out of the Revenue of India.

Council of India.

VII. For the Purposes of this Act a Council shall be established, to consist of *Fifteen* Members, and to be styled the Council of India; and henceforth the Council in India now bearing that Name shall be styled the Council of the Governor General of India. Council of India established.

VIII. Within *Fourteen* Days after the passing of this Act the Court of Directors of the East India Company shall, from among the Persons then being Directors of the said Company or having been theretofore such Directors, elect *Seven* Persons to be with the Persons to be appointed by Her Majesty as herein-after mentioned the First Members of the Council under this Act, and the Names of the Persons so elected by the Court of Directors shall be forthwith, after such Election, certified to the Board of Commissioners for the Affairs of India, under the Seal of the said Company, and it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, within *Thirty* Days after the passing of this Act, to appoint to be Members of such Council *Eight* Persons. First Members of the Council.

IX. The First, Third, Fifth, and every subsequent alternate Vacancy happening from Time to Time among the Members of the Council shall be filled up by Her Majesty, by Warrant under Her Royal Sign Manual, and every other such Vacancy shall be filled up by the Council by Election made at a Meeting to be held for that Purpose. Vacancies in the Council how to be filled up.

The major Part of the Council to be Persons who shall have served or resided Ten Years in India.

X. The major Part of the Persons to be elected by the Court of Directors and of the Persons to be first appointed by Her Majesty, after the passing of this Act to be Members of the Council shall be Persons who shall have served or resided in India for *Ten* Years at the least; and no Person other than a Person so qualified shall be appointed or elected to fill any Vacancy in the Council unless at the Time of the Appointment or Election Eight at the least of the continuing Members of the Council be Persons qualified as aforesaid.

Tenure of Office of Members of the Council.

XI. Every Member of the Council appointed or elected under this Act shall hold his Office during good Behaviour; Provided that it shall be lawful for Her Majesty to remove any such Member from his Office upon an Address of both Houses of Parliament; and if Parliament be not sitting it shall be lawful for the Council, with the Approval of Her Majesty, to suspend any Member of the Council for criminal or disgraceful Conduct; and a Statement of the Fact of such Suspension and of the Grounds thereof shall be laid before both Houses of Parliament within *Fourteen* Days after the next Meeting thereof; and unless both Houses of Parliament within *Thirty* Days after such Meeting thereof address Her Majesty for the Reversal of such Suspension, the Member so suspended shall cease to be a Member of the Council.

Members of the Council not to sit in Parliament.

XII. No Member of the Council appointed or elected under this Act shall be capable of sitting or voting in Parliament.

Salaries of Members of Council.

XIII. There shall be paid to each Member of the Council the yearly Salary of *One thousand two hundred Pounds.*

Retiring Pensions.

XIV. Any Member of the Council may, by Writing under his Hand, which shall be recorded in the Minutes of the Council, resign his Office, and it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to grant to any Person who, having held the Office of Member of the Council for the Period of *Ten* Years or upwards, shall so resign by reason of Infirmity disabling him from a due Execution of the Duties of the Office, a Retiring Pension during Life of *Five hundred* Pounds, or if he shall so resign after having held such Office during *Fifteen* Years or upwards, of *Eight hundred Pounds* per Annum.

Secretaries and Officers of the Council of India.

XV. The Secretaries and other Officers and Servants on the Home Establishment of the said Company, and on the Establishment of the Commissioners for the Affairs of India, immediately before the Commencement of this Act shall on *such Commencement* be and form the

the Establishment of the Council of India; and the Secretary of State shall with all convenient Speed make such Arrangement of the said Establishments, and such Reductions therein, as may seem to him consistent with the due Conduct of the Public Business, and shall within *Six* Months after the Commencement of this Act submit a Scheme for the permanent Establishment to Her Majesty in Council; and it shall be lawful for Her Majesty, by the Advice of Her Privy Council, upon Consideration of such Scheme, to fix and declare what shall constitute and be the Establishment of the Council of India, and what Salaries shall be paid to the Persons on the Establishment, and the Order of Her Majesty in Council shall be laid before both Houses of Parliament within *Fourteen* Days after the next Meeting thereof, if Parliament be sitting, and if Parliament be not sitting, then within *Fourteen* Days after the next Meeting thereof; and after such Establishment has been formed by such Order in Council no Addition of Persons shall be made to such Establishment, nor any Addition made to the Salaries authorized by such Order, without the Consent in Writing of the Chancellor of the Exchequer.

Removal of Officers and Supply of Vacancies.

XVI. All Persons on the Establishment of the Council shall be subject to be removed by the Secretary of State; and after the First Formation of such Establishment it shall be lawful for such Council, according to such general Regulations and Restrictions as such Council may from Time to Time establish in this Behalf, to make all First Appointments to junior Clerkships and inferior Officers on Vacancies in such Establishment; provided that the Order of Her Majesty in Council of the Twenty-first Day of May One thousand eight hundred and fifty-five, or such other Regulations as may be from Time to Time established by Her Majesty for Examinations, Certificates, Probation, or other Tests of Fitness, in relation to Appointments to junior Situations in the Civil Service, shall apply to such Appointments on the Establishment of the said Council; and all Promotions in such Establishment shall be made by the Secretary of State; and the Secretary of State shall also from Time to Time appoint the Secretaries or Assistant Secretaries and Heads of Departments in such Establishment.

Compensations to Officers on Home Establishment of the Company and of Board of Control not retained on

XVII. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to grant to any Secretary, Officer, or Servant on the Home Establishment of the said Company, or on the Establishment of the said Commissioners, who in consequence of such Reduction as aforesaid by the Secretary of State or under such Order in Council is not retained on the Establishment of the Council of India, any

new Establishment.

Compensation, either by way of a gross or annual Payment, as, having regard to the Circumstances, may seem just.

Superannuations to Officers.

XVIII. It shall be lawful for Her Majesty, by Warrant countersigned as aforesaid, to grant to any such Secretary, Officer, or Servant as aforesaid, retained on such last-mentioned Establishment, such Compensation, Superannuation, or Retiring Allowance on his ceasing to hold Office as might have been granted to him if this Act had not been passed, and the Transfer of any Person to the Service of the said Council shall be deemed to be a Continuance of his previous Appointment or Employment, and shall not prejudice any Claims which he might have had in respect of Length of Service if his Service under the said Company or Commissioners had continued; and it shall be lawful for Her Majesty, by Warrant countersigned as aforesaid, to grant to any Secretary, Officer, or Servant appointed on the Establishment of the said Council after the First Formation thereof such Compensation, Superannuation, or Retiring Allowance as, under the Act of the Session holden in the Fourth and Fifth Years of King William the Fourth, Chapter Twenty-four, or any other Act for the Time being in force concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service, may be granted to Persons appointed on the Establishment of One of Her Majesty's Principal Secretaries of State.

Duties and Procedure of the Council.

Duties of the Council.

XIX. The Council shall, under the Direction of the Secretary of State, and subject to the Provisions of this Act, conduct the Business transacted in the United Kingdom in relation to the Government of India and the Correspondence with India, but every Order or Communication sent to India shall be signed by One of the Principal Secretaries of State; and, save as expressly provided by this Act, every Order in the United Kingdom in relation to the Government of India under this Act shall be signed by such Secretary of State; and all Despatches from Governments and Presidencies in India, and other Despatches from India, which if this Act had not been passed should have been addressed to the Court of Directors or to their Secret Committee, shall be addressed to such Secretary of State.

Secretary of State to divide the Council into Committees, and to regulate the Transaction of Business.

XX. It shall be lawful for the Secretary of State to divide the Council into Committees for the more convenient Transaction of Business, and from Time to Time to re-arrange such Committees, and to direct what Departments of the Business in relation to the Government of India under this Act shall be under such Committees respectively,

respectively, and generally to direct the Manner in which all such Business shall be transacted.

President and Vice-President.

XXI. The Secretary of State shall be the President of the Council, and it shall be lawful for such Secretary of State to appoint from Time to Time any Member of such Council to be Vice-President thereof, and any such Vice-President may at any Time be removed by the Secretary of State.

Meetings of the Council.

XXII. All Powers by this Act required to be exercised at Meetings of the Council, and all other Powers of the Council, save such as may be vested in Committees of such Council under this Act, shall and may be exercised at Meetings of such Council, at which not less than *Five* Members shall be present, and at every Meeting the Secretary of State, or in his Absence the Vice-President, if present, shall preside, and in the Absence of the Secretary of State and Vice-President, One of the Members of the Council present shall be chosen by the Members present to preside at the Meeting; and such Council may act notwithstanding any Vacancy therein: Meetings of the Council shall be convened and held when and as the Secretary of State shall from Time to Time direct; and upon Requisition in Writing by *Five* or more of the Members of the Council, One of the Secretaries or Assistant Secretaries shall convene a Meeting of such Council, giving *Three* Days Notice in Writing thereof to the Secretary of State and each Member of the Council.

Procedure at Meetings.

XXIII. Save as herein otherwise provided, the Questions at any Meeting of the Council shall be determined by the Votes of the Majority of the Members present, and in case of an Equality of Votes, the Secretary of State, or in his Absence the Vice-President or presiding Member, shall have a Second or Casting Vote; but at any Meeting of the Council at which the Secretary of State is present, if there be a Difference of Opinion on any Question, except in the Election of a Member of the Council, or as to such Appointments and Admissions to Service as by this Act are authorized to be made or recommended by the Council, the Determination of the Secretary of State shall be final; and all Acts done at any Meeting of the Council in the Absence of the Secretary of State shall, except as to such Elections, Appointments, and Admissions to Service as aforesaid, require his Sanction or Approval in Writing; and in case of Difference of Opinion on any Question decided at any Meeting, the Secretary of State may require that his Opinion, and the Reasons for the same, be entered in the Minutes of the Proceedings, and any Member of the Council who may have been present at the Meeting may require that his Opinion, and any Reasons

for the same that he may have stated at the Meeting, be entered in like Manner.

Orders, &c., to be open to the Perusal of Members of Council, who may record their Opinions.

XXIV. Every Order or Communication proposed to be sent to India, and every Order proposed to be made in the United Kingdom by the Secretary of State, under this Act, shall, unless the same has been submitted to a Meeting of the Council, be placed in the Council Room for the Perusal of all Members of the Council during *Seven* Days before the sending or making thereof, except in the Cases herein-after provided; and it shall be lawful for any Member of the Council to record in a Minute Book, to be kept for that Purpose, his Opinion with respect to each such Order or Communication, and a Copy of every Opinion so recorded shall be sent forthwith to the Secretary of State.

Secretary of State acting against the Opinions of the Majority to record his Reasons.

XXV. If a Majority of the Council record as aforesaid their Opinions against any Act proposed to be done, the Secretary of State shall, if he do not defer to the Opinions of the Majority, record his Reasons for acting in opposition thereto.

Provision for Cases of Urgency.

XXVI. Provided, That where it appears to the Secretary of State that the Despatch of any Order or Communication, or the making of any Order is urgently required, the Communication may be sent or Order given notwithstanding the same may not have been submitted to a Meeting of the Council or deposited for *Seven* Days as aforesaid, the urgent Reasons for sending or making the same being recorded by the Secretary of State; and Notice thereof being given to every Member of the Council, except in the Cases herein-after mentioned.

Orders now sent through Secret Com- may be sent by Secretary of State without Communication with the Council.

XXVII. Provided also, That all such Orders and Communications as might, if this Act had not been passed, have been sent by the Commissioners for the Affairs of India through the Secret Committee of the Court of Directors to Governments or Presidencies in India, or to the Officers or Servants of the said Company, may, after the *Commencement of this Act*, be sent to such Governments or Presidencies, or to any Officer or Servant in India, by the Secretary of State, without having been submitted to a Meeting or deposited for the Perusal of the Members of the Council, and without the Reasons being recorded or Notice thereof given as aforesaid.

Secret Despatches from India.

XXVIII. Any Despatches to Great Britain which might if this Act had not been passed have been addressed to the Secret Committee of the Court of Directors, may be marked "Secret" by the Authorities sending

sending the same, and such Despatches shall not be communicated to the Members of the Council, unless the Secretary of State shall so think fit and direct.

Appointments and Patronage.

Appointments to be made by or with the Approbation of Her Majesty.

XXIX. The Appointments of Governor General of India, Fourth Ordinary Member of the Council of the Governor General of India, and Governors of Presidencies in India, now made by the Court of Directors with the Approbation of Her Majesty, and the Appointments of Advocate General for the several Presidencies now made with the Approbation of the Commissioners for the Affairs of India, shall be made by Her Majesty by Warrant under Her Royal Sign Manual; the Appointments of the Ordinary Members of the Council of the Governor General of India, except the Fourth Ordinary Member, and the Appointments of Lieutenant Governors of Provinces or Territories, shall be made by the Governor General of India, subject to the Approbation of Her Majesty; and the Appointments of the Members of Council of the several Presidencies shall be made by the Governors of such respective Presidencies, subject to the like Approbation; and all such Appointments shall be subject to the Qualifications now by Law affecting such Offices respectively: Provided always, that it shall not be lawful for the Governor General of India, or the Governor of any Presidency, to appoint a Person provisionally to supply any Vacancy which may subsequently happen, unless the Pleasure of Her Majesty be previously signified for that Purpose; but any Person appointed by such Governor General or Governor respectively, subject to Her Majesty's Approbation, to fill an actual Vacancy, shall be entitled to act under the Appointment, and shall have all the Powers, Emoluments, and Advantages of such Appointment in the meantime until Her Majesty's Pleasure may be signified in relation to such Appointment.

Appointments now made in India to continue to be made there.

XXX. All Appointments to Offices, Commands, and Employments in India, which by Law, or under any Regulations, Usage, or Custom, are now made by any Authority in India, shall continue to be made in India by the like Authority, and subject to the Qualifications, Conditions, and Restrictions now affecting such Appointments respectively; but the Secretary of State shall have the like Power to make Regulations for the Division and Distribution of Patronage and Power of Nomination among the several Authorities in India, and the like Power of restoring to their Stations, Offices, or Employments, Officers and Servants suspended or removed by any Authority in India as might have been exercised by the said Court

of Directors, with the Approbation of the Commissioners for the Affairs of India, if this Act had not been passed.

Provision for Appointment of Persons entitled under 16 & 17 Vict. c. 95. s. 41.

XXXI. All such Persons becoming entitled to Appointments under the Regulations for the Time being in force under the said Act of the Sixteenth and Seventeenth Years of Her Majesty, as the Court of Directors would be required to appoint under Section Forty-one of that Act, shall be appointed by the Council, or by any Committee of the Council, as the Secretary of State may direct.

Other Appointments and Admissions to Service.

XXXII. All Powers of appointing Cadets, Military and Naval, and all other Powers of appointing and admitting to Service not herein otherwise expressly provided for, which would or might have been exercised by the Court of Directors of the said Company if this Act had not been passed, shall be vested in Her Majesty, and until other Provision be made by Parliament in this Behalf, the Names of such Persons as may from Time to Time be recommended by the Council, under Resolutions made at their Meetings, for Appointments or Admissions to Service, shall be submitted to Her Majesty by the Secretary of State;

Provided always, that the Persons who shall be entitled under the Regulations in this Behalf herein-after mentioned, to be recommended for Cadetships in the Engineers and in the Artillery, shall be in the first place recommended by the Council for such Cadetships; and not less than *One Tenth* Part of the whole Number of Persons to be recommended in any Year for other Military Cadetships shall be selected according to such Regulations as the Council may from Time to Time make in this Behalf from among the Sons of Persons who have served in India in the Military or Civil Service of Her Majesty or of the East India Company, and except as aforesaid the Persons to be recommended for Military Cadetships shall be nominated severally by the Secretary of State and the Members of the Council, so that out of Seventeen Nominations the Secretary of State shall have *Two*, and each Member of the Council shall have *One*, but no Person so nominated shall be recommended unless the Nomination be approved by the Council.

Regulations as to Appointments and Admissions to Service.

XXXIII. Save as herein otherwise provided, all Powers of making Regulations in relation to Appointments and Admissions to Service and other Matters connected therewith, and of altering or revoking such Regulations, which if this Act had not been passed might have been exercised by the Court of Directors or Commissioners for the Affairs of India, may be exercised at Meetings of the Council, subject to the Approbation of Her Majesty, and all Regulations in force at the Time of *the Commencement of this Act* in relation to the Matters

Matters aforesaid shall remain in force, subject nevertheless to Alteration or Revocation by the Council as aforesaid.

Competitive Examinations for Cadetships in the Engineers and Artillery.

XXXIV. Provided always, That with all convenient Speed after the Commencement of this Act, Regulations shall be made under the Powers herein-before transferred for admitting any Persons, being natural-born Subjects of Her Majesty (and of such Age and Qualifications as may be prescribed in this behalf), who may be desirous of becoming Candidates for such Cadetships in the Engineers and in the Artillery as aforesaid, to be examined as Candidates accordingly, and for prescribing the Branches of Knowledge in which such Candidates shall be examined, and generally for regulating and conducting such Examinations; and the Candidates who may be found entitled under such Regulations shall be recommended for such Cadetships according to the Order of their Proficiency as shown by such Examinations.

Removal of Officers by Her Majesty.

XXXV. Any Writing under the Royal Sign Manual, removing or dismissing any Person holding any Office, Employment, or Commission, Civil or Military, in India, of which, if this Act had not been passed, a Copy would have been required to be transmitted or delivered within *Eight* Days after being signed by Her Majesty, to the Chairman or Deputy Chairman of the Court of Directors shall, in lieu thereof, be communicated within the Time aforesaid to the Council.

Transfer of Property.

Real and Personal Property of the Company to vest in Her Majesty for the Purposes of the Government of India.

XXXVI. All Lands and Hereditaments, Monies, Stores, Goods, Chattels, and other Real and Personal Estate of the said Company, subject to the Debts and Liabilities affecting the same respectively, and the Benefit of all Contracts, Covenants, and Engagements, and all Rights to Fines, Penalties, and Forfeitures, and all other Emoluments which the said Company shall be seised or possessed of, or entitled to at the Time of the *Commencement of this Act*, except the Capital Stock of the said Company and the Dividend thereon, shall become vested in Her Majesty, to be applied and disposed of, subject to the Provisions of this Act, for the Purposes of the Government of India.

Powers of Sale and Purchase, and contracting.

XXXVII. The Council shall have full Power, by the Direction or with the Consent of the Secretary of State, to sell and dispose of all Real and Personal Estate whatsoever for the Time being vested in Her Majesty under this Act, when and as they may see fit, or to raise Money on any such Real Estate by way of Mortgage, and make the proper Assurances for that Purpose, and to purchase and acquire

any Land or Hereditaments, or any Interests therein, Stores, Goods, Chattels, and other Property, and to enter into any Contracts whatsoever, as they may see fit, for the Purposes of this Act; and all Property acquired by them shall vest in Her Majesty for the Service of the Government of India; and any Conveyance or Assurance of or concerning any Real Estate to be made by the Authority of the Secretary of State and Council may be made under the Hands and Seals of *Three* Members of the Council, with the Consent in Writing of the Secretary of State, and any such Contract as aforesaid may be signed by *Three* Members of the Council.

Revenues.

Dividend of the Company, and existing and future Debts and Liabilities and Expenses, charged on Revenues of India.

XXXVIII. The Dividend on the Capital Stock of the said Company secured by the Act of the Third and Fourth Years of King William the Fourth, Chapter Eighty-five, until the Redemption thereof, and all the Bond, Debenture, and other Debt of the said Company in Great Britain, and all the Territorial Debt and all other Debts of the said Company, and all Sums of Money, Costs, Charges, and Expenses, which if this Act had not been passed would after the Time appointed for the Commencement thereof have been payable by the said Company out of the Revenues of India, in respect or by reason of any Treaties, Covenants, Contracts, Grants, or Liabilities then existing, and all Expenses, Debts, and Liabilities which after the *Commencement of this Act* shall be lawfully contracted and incurred on account of the Government of India, and all Payments under this Act, shall be charged and chargeable upon the Revenues of India alone, as the same would have been if this Act had not been passed, and such Expenses, Debts, Liabilities, and Payments as last aforesaid had been Expenses, Debts, and Liabilities lawfully contracted and incurred by the said Company, and such Revenues shall not be applied to any other Purpose whatsoever; and all other Monies vested in or arising or accruing from Property or Rights vested in Her Majesty under this Act, or to be received or disposed of by the Council under this Act, shall be applied in aid of such Revenues.

Revenues remitted to Great Britain, and Monies arising in Great Britain, to be paid to President in Council.

XXXIX. Such Part of the Revenues of India as shall be from Time to Time remitted to Great Britain, and all Monies of the said Company in their Treasury or under the Care of their Cashier, and all other Monies in Great Britain of the said Company, or which would have been received by them in Great Britain if this Act had not been passed, and all Monies arising or accruing in Great Britain from any Property or Rights vested in Her Majesty by this Act, or from the Sale or Disposition thereof, shall be paid to the Council, to be by them applied for the Purposes of this Act; and all Monies to be paid to the Council,

Council, except as herein-after otherwise provided, shall be paid into the Bank of England, to the Credit of an Account to be opened by the Governor and Company of the Bank of England, to be intituled "The Account of the Council of India;" and all Monies to be placed to the Credit of such Account under this Act shall be paid out upon Drafts or Orders signed by *Three* Members of the Council, and countersigned by One of the Secretaries or Assistant Secretaries of the Council, and such Account shall be a public Account: Provided always, that the Council may cause to be kept, from Time to Time, under the Care of their Cashier, such Sum or Sums of Money as they may deem necessary for the Payments now made out of Money under the Care of the Cashier of the said Company.

Cash Balance of the Company at the Bank transferred.

XL. Such Amount of Money as at the Time of the *Commencement of this Act* may be standing to the Credit of the East India Company at the Bank of England shall be transferred by the Governor and Company of the Bank of England to the Credit of the Account to be opened in the Name of the Council as aforesaid.

Stock Account to be opened at the Bank.

XLI. There shall be raised in the Books of the Governor and Company of the Bank of England such Accounts as may be necessary in respect of any Stock or Stocks of Government Annuities, and all such Accounts respectively shall be intituled "The Stock Account of the Council of India," and every such Account shall be a public Account.

Stock standing in the Name of the Company transferred.

XLII. Such Government Stock or Stocks as at the Time of the *Commencement of this Act* may be standing in the Name of the East India Company in the Books of the said Governor and Company shall be transferred by the Chief Cashier or the Chief Accountant of the said Governor and Company to the proper Account or Accounts to be raised as aforesaid.

Power to grant Letter of Attorney for Sale, &c. of Stock and Receipt of Dividends.

XLIII. The Council, by Letter of Attorney, executed by *Three* Members of the Council, and countersigned by One of the Secretaries or Assistant Secretaries of the Council, may authorize all or any of the Cashiers of the Bank of England to sell and transfer all or any Part of the Stock or Stocks standing or that may thereafter stand in the Books of the said Bank to the several Accounts of the Council, and to purchase and accept Stock on the said Accounts, and to receive the Dividends due and to become due on the several Stocks standing or that may thereafter stand on the said Accounts, and by any Writing signed by *Three* Members of the Council, and countersigned as aforesaid, may direct the Application of the Monies to be received in respect of such Sales and Dividends, but no Stock

shall be purchased or sold and transferred by any of the said Cashiers under the Authority of such General Letter of Attorney, except upon an Order in Writing directed to the said Chief Cashier and Chief Accountant from Time to Time, and duly signed and countersigned as aforesaid.

Provision as to Exchequer Bills and like Securities.

XLIV. All Exchequer Bills, Exchequer Bonds, or other Government Securities, or other Securities, of whatsoever Kind, not hereinbefore referred to, which shall be held by the Governor and Company of the Bank of England in trust for or on account of the East India Company at the Time of the *Commencement of this Act*, shall thenceforward be held by the said Governor and Company in trust for and on account of the Council; and all such Securities as aforesaid, and all such Securities as may thereafter be lodged with the said Governor and Company by or on behalf of the Council, shall and may be disposed of and the Proceeds thereof applied as may be authorized by Order in Writing signed by *Three* Members of the Council, and countersigned by One of the Secretaries or Assistant Secretaries of the Council, and directed to the said Chief Cashier and Chief Accountant.

Powers of borrowing vested in the Company transferred to Council.

XLV. All Powers of issuing Bonds, Debentures, and other Securities for Money in Great Britain which, if this Act had not been passed, might have been exercised by the said Company, or the Court of Directors, under the Direction and Control of the Commissioners for the Affairs of India, or otherwise, shall and may be exercised by the Council of India, under the Direction of the Secretary of State, and such Securities as might have been issued under the Seal of the said Company shall be issued under the Hands of *Three* Members of the Council and countersigned by One of their Secretaries or Assistant Secretaries.

Forgery to be punishable as Forgery of East India Bonds.

XLVI. All Provisions now in force in anywise relating to the Offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any East India Bond, with Intent to defraud, shall extend and be applicable to and in respect of any Bond, Debenture, or Security issued by the Council of India under the Authority of this Act.

Pesent System of issuing Warrants for Payments to be continued.

XLVII. The Regulations and Practice now acted on by the Court of Directors on the Issue of Warrants or Authorities for the Payment of Money shall be maintained and acted on by the Council of India under this Act until the same be altered by the Authority of Her Majesty in Council: Provided, that where a Warrant or Authority for the Payment of Money passes through the Audit Department before Payment,

Payment, it shall be countersigned by such Officer or Officers of the Audit Department as the Secretary of State or the Council may direct before Payment shall be made; and that Warrants or Authorities which have heretofore been signed by Two Directors of the East India Company shall, after the *Commencement of this Act*, be signed by *Three* Members of the Council of India.

Audit of Accounts in Great Britain.

XLVIII. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to appoint from Time to Time a fit Person to be Auditor of the Accounts of the Council, and to authorize such Auditor to appoint and remove from Time to Time such Assistants as may be specified in such Warrant; and every such Auditor shall hold Office during good Behaviour; and there shall be paid to such Auditor and Assistants such respective Salaries as Her Majesty, by Warrant as aforesaid countersigned as aforesaid, may direct; and such Auditor shall examine and audit the Accounts of the Receipt, Expenditure, and Disposal in Great Britain of all Monies, Stores, and Property applicable for the Purposes of this Act; and the Council shall by their Officers and Servants produce and lay before such Auditor from Time to Time all such Accounts, accompanied by proper Vouchers for the Support of the same, and shall submit to his Inspection all Books, Papers, and Writings having relation thereto; and such Auditor shall have Power to examine all such Officers and Servants in Great Britain of the Council as he may see fit in relation to such Accounts, and the Receipt, Expenditure, or Disposal of such Monies, Stores, and Property, and for that Purpose, by Writing under his Hand, to summon before him any such Officer or Servant; and such Auditor shall report from Time to Time to the Secretary of State his Approval or Disapproval of such Accounts, with such Remarks and Observations in relation thereto as he may think fit; and shall specify in detail in his Reports all Sums of Money, Stores, and Property which ought to be accounted for, and are not brought into account or have not been appropriated, in conformity with the Provisions of this Act, or have been expended or disposed of without due Authority, and shall also specify any Defects, Inaccuracies, or Irregularities which may appear in such Accounts, or in the Authorities, Vouchers, or Documents having relation thereto; and all such Reports shall be laid before both Houses of Parliament together with the Accounts of the Year to which the same may relate.

Accounts to be annually laid before Parliament.

XLIX. The Council shall, within the first *Fourteen* Days during which Parliament may be sitting next after the First Day of March in every Year, lay before both Houses of Parliament an Account for the last financial Year of the annual Produce of the Revenues of India,

distinguishing the same under the respective Heads thereof, at each of the several Presidencies or Governments, and of all the annual Receipts and Disbursements at Home and Abroad on account of the Government of India, distinguishing the same under the respective Heads thereof, together with the latest Estimate of the same for the current Year, and also the Amount of the Debts chargeable on the Revenues of India, with the Rates of Interest they respectively carry, and the annual Amount of such Interest, the State of the Effects and Credits at each Presidency or Government, and in England or elsewhere, applicable to the Purposes of the Government of India, according to the latest Advices which have been received thereof, and also a List of the several Government Establishments in India, and of the Establishment of the Council, and the Salaries and Allowances payable in respect thereof; and if any new or increased Salaries or Pensions of Fifty Pounds a Year or upwards have been granted or created within any Year, the Particulars thereof shall be specially stated and explained at the Foot of the Account of such Year.

Commissioners to proceed to India to inquire into the Finances and Accounts.

L. It shall be lawful for Her Majesty, by Commission under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to appoint any Number of Persons, not exceeding *Three*, as to Her Majesty may seem fit, to proceed to India, and inquire there into the Finances and Financial Accounts of the several Presidencies and Governments, and especially into the Collection, Receipt, and Management of and the Manner of accounting for the Revenues of India, and the Application of such Revenues and other Public Monies in India, and the Mode of auditing the Accounts of the Receipts and Expenditure of such Public Monies, and securing the due Application thereof, and to report to Her Majesty on the Matters aforesaid, and to recommend such Regulations and Provisions in relation thereto as in their Judgment may seem expedient; and such Commissioners shall have full Power to call before them and examine any Persons in the Service of Her Majesty in India, and to require such Returns and Explanations, and the Production of such Official Documents, as such Commissioners may think fit; and there shall be paid to such Commissioners out of the Revenues of India such Salaries and Allowances as by such Commission may be directed, but so that the same shall not be payable for a longer Period than *Three* Years from the Arrival of the said Commissioners respectively in India.

Existing Establishments.

Indian Military and Naval

LI. The Military and Naval Forces of the East India Company shall be deemed to be the Indian Military and Naval Forces of Her Majesty,

Majesty, and shall be under the same Obligations to serve Her Majesty as they would have been under to serve the said Company, and shall be liable to serve within the same territorial Limits only, for the same Terms only, and be entitled to the like Pay, Pensions, Allowances, and Privileges, and the like Advantages as regards Promotion and otherwise, as if they had continued in the Service of the said Company: Such Forces, and all Persons hereafter enlisting in or entering the same, shall continue and be subject to all Acts of Parliament, Laws of the Governor General of India in Council, and Articles of War, and all other Laws, Regulations, and Provisions relating to the East India Company's Military and Naval Forces respectively, as if Her Majesty's Indian Military and Naval Forces respectively had throughout such Acts, Laws, Articles, Regulations, and Provisions been mentioned or referred to, instead of such Forces of the said Company; and the Pay and Expenses of and incident to Her Majesty's Indian Military and Naval Forces shall be defrayed out of the Revenues of India.

Forces to remain under existing Conditions of Service.

LII. Provided, That it shall be lawful for Her Majesty from Time to Time by Order in Council to alter or regulate the Terms and Conditions of Service under which Persons hereafter entering Her Majesty's Indian Forces shall be commissioned, enlisted, or entered to serve, and the Forms of Attestation and of the Oath or Declaration to be used and taken or made respectively on attesting Persons to serve in Her Majesty's Indian Forces shall be such as Her Majesty with regard to the European Forces, and the Governor General of India in Council with regard to the Native Forces, shall from Time to Time direct.

Provision for Persons hereafter entering Her Majesty's Indian Forces.

LIII. All Persons who at the Time of the *Commencement of this Act* shall hold any Offices, Employments, or Commissions whatever under the said Company in India shall thenceforth be deemed to hold such Offices, Employments, and Commissions under Her Majesty as if they had been appointed under this Act, and shall be paid out of the Revenues of India.

Servants of the Company to be deemed Servants of Her Majesty.

LIV. All Orders, Regulations, and Directions lawfully given or made before the *Commencement of this Act* by the Court of Directors or by the Commissioners for the Affairs of India shall remain in force; but the same shall, from and after the *Commencement of this Act*, be deemed to be the Orders, Regulations, and Directions under this Act, and take effect and be construed and be subject to Alteration or Revocation accordingly.

All Orders of the Court of Directors or Board of Control to remain in force.

LV. All Functions and Powers of Courts of Proprietors and Courts of Directors of the said Company in relation to the Govern-

Cesser of Appointments and

Functions of Directors, &c.

ment of India, and all Appointments of such of the Directors of the said Company as have been appointed by Her Majesty, shall cease, and the yearly Sums payable to the Chairman, Deputy Chairman, and other Directors of the said Company shall cease to be payable, and all Powers vested in Her Majesty of appointing Directors of the said Company shall cease and determine.

Board of Control abolished.

LVI. The Appointments and Powers of Appointment of Commissioners for the Affairs of India shall cease and determine.

Records of the Company to be delivered to Council.

LVII. All Books, Records, and Archives of the said Company, except such Books and Documents as concern the Ownership of Shares in the Capital Stock of the said Company, and the Payments to the Proprietors of such Capital Stock of their respective Shares of the Dividend thereon, shall be delivered into the Care and Custody of the Council as they may direct.

Continuance of existing Enactments.

Existing Provisions to be applicable to Secretary of State and Council, &c.

LVIII. All Acts and Provisions now in force concerning India shall, subject to the Provisions of this Act, continue in force, and be construed as referring to the Secretary of State and the Council of India, as the Case may require, in the Place of the said Company and the Court of Directors and Court of Proprietors thereof, and all Enactments applicable to the Officers and Servants of the said Company in India, and to Appointments to Office or Admissions to Service by the said Court of Directors, shall, subject to the Provisions of this Act, remain applicable to the Officers and Servants continued and to the Officers and Servants appointed or employed in India, and to Appointments to Office and Admissions to Service under the Authority of this Act.

Actions and Contracts.

Council may sue and be sued.

LIX. The Council shall and may sue and be sued by the Name of the Council of India, as if they were a Body Corporate.

Council to come in the Place of the Company with regard to pending Suits, &c.

LX. The Council shall, with respect to all Actions, Suits, and Proceedings by or against the said Company pending at the Time of the *Commencement of this Act*, come in the Place of the said Company, and that without the Necessity of substituting the Name of the Council for that of the said Company.

Contracts, &c., of the Company may be

LXI. All Contracts, Covenants, and Engagements of the said Company made or entered into before the *Commencement of this Act* may be enforced by and against the Council in their own Name, in like

like Manner as they might have been by and against the said Company if this Act had not been passed. enforced by and against Council.

LXII. No Member of the Council shall be personally liable in respect of any such Contract, Covenant, or Engagement of the said Company as aforesaid, or in respect of any Contract entered into under the Authority of this Act, or other Liability of the said Council in their official Capacity; but all such Liabilities, and all Costs and Damages of the said Council in respect thereof, shall be satisfied and paid out of the Revenues of India. Members of Council not personally liable.

Saving of certain Rights of the Company.

LXIII. It shall be lawful for the Council to pay to the said Company out of the Revenues of India such annual Sum as Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchquer, may direct for defraying the Expenses of and incident to the Payment to the Proprietors of the Capital Stock of the said Company of their respective Shares of the Dividend on such Stock, and of keeping the Books of the said Company for Transfers, and otherwise in relation to such Stock. Payment of Expenses of the Company in respect of their Capital Stock and Dividend.

LXIV. Nothing herein contained shall affect the Preference secured by the said Act of the Third and Fourth Years of King William the Fourth to the Dividend on the Capital Stock of the said Company or the Right of the said Company to demand the Redemption of the said Dividend secured by such Act; and all the Provisions of the said Act concerning the Security Fund thereby created shall remain in force, save that when the Approbation of the Commissioners for the Affairs of India is required in relation to the Disposal of the said Security Fund the Approbation of the Secretary of State shall be required. Saving of the Rights of the Company in respect of their Dividend and Security Fund.

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LXV. Save as herein otherwise provided this Act shall commence and take effect on the Expiration of *Thirty Days after the Day of the passing thereof.* Commencement of Act.

LXVI. This Act shall be proclaimed in the several Presidencies and Governments of India as soon as conveniently may be after such Act has been received by the Governor General of India; and until such Proclamation be made all Acts, Matters, and Things done, ordered, directed, or authorized in India in the Name of the East India Company, or otherwise in relation to the Government of India, shall be as valid and effectual as if this Act had not been passed. Provision as to Proceedings in India before the Act is proclaimed there.

Government of India.

(No. 3.)

A

BILL

For the better Government of India.

(*Prepared and brought in by Mr. FitzRoy, Lord Stanley, and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 17 *June* 1858.

[Bill 139.]

Under 3 *oz.*

Government of India Bill.

[AS AMENDED IN COMMITTEE.]

(No. 3.)

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(No. 3.)

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The better Government of India.

WHEREAS by an Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-five, "to provide for the Government of India," the Territories in the Possession and under the Government of the East India Company were continued under such Government, in trust for Her Majesty, until Parliament should otherwise provide, subject to the Provisions of that Act and of other Acts of Parliament, and the Property and Rights in the said Act referred to are held by the said Company in trust for Her Majesty for the Purposes of the said Government: And whereas it is expedient that the said Territories should be governed by and in the Name of Her Majesty: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say, Preamble. 16 & 17 Vict. c. 95.

Transfer of the Government of India to Her Majesty.

I. The Government of the Territories now in the Possession or under the Government of the East India Company, and all Powers in Territories under the Government

of the East India Company to be vested in Her Majesty.

in relation to Government vested in or exercised by the said Company in trust for Her Majesty, shall cease to be vested in or exercised by the said Company, and all Territories in the Possession or under the Government of the said Company, and all Rights vested in or which if this Act had not been passed might have been exercised by the said Company in relation to any Territories, shall become vested in and be exercised on behalf of Her Majesty; and for the Purposes of this Act India shall mean the Territories vested in Her Majesty as aforesaid, and all Territories which may become vested in Her Majesty by virtue of any such Rights as aforesaid.

India to be governed by and in the Name of Her Majesty.

II. India shall be governed by and in the Name of Her Majesty, and all Rights in relation to any Territories which might have been exercised by the said Company if this Act had not been passed shall and may be exercised on behalf of Her Majesty as Rights incidental to the Government of India; and all the Territorial and other Revenues of or arising in India, and all Tributes and other Payments in respect of any Territories which would have been receivable by or in the Name of the said Company if this Act had not been passed, shall be received for and in the Name of Her Majesty, and shall be applied and disposed of for the Purposes of the Government of India, subject to the Provisions of this Act.

Secretary of State to exercise Powers now exercised by the Company or Board of Control.

III. Save as herein otherwise provided, One of Her Majesty's Principal Secretaries of State shall have and perform all such or the like Powers and Duties in anywise relating to the Government or Revenues of India, and all such or the like Powers over all Officers appointed or continued under this Act, as might or should have been exercised or performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or by the Direction or with the Sanction or Approbation of the Commissioners for the Affairs of India in relation to such Government or Revenues, and the Officers and Servants of the said Company respectively, and also all such Powers as might have been exercised by the said Commissioners alone; and any Warrant or Writing under Her Majesty's Royal Sign Manual, which by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Seventy-seven, or otherwise, is required to be countersigned by the President of the Commissioners for the Affairs of India, shall in lieu of being so countersigned be countersigned by One of Her Majesty's Principal Secretaries of State.

Four Principal Secretaries and Four Under

IV. After the Commencement of this Act any Four of Her Majesty's Principal Secretaries of State for the Time being, and any Four of the Under Secretaries for the Time being to Her Majesty's

Majesty's Principal Secretaries of State, may sit and vote as Members of the House of Commons, but not more than Four such Principal Secretaries and not more than Four such Under Secretaries shall sit as Members of the House of Commons at the same Time. Secretaries of State may sit in the House of Commons.

V. In case the Person who immediately before the Commencement of this Act is the President of the Commissioners for the Affairs of India be appointed, upon or within One Month after the Commencement of this Act, One of Her Majesty's Principal Secretaries of State, and be at the Time of such Appointment a Member of the House of Commons, he shall not by reason of such Appointment vacate his Seat in Parliament. Seat of President of Board of Control in the House of Commons not vacated.

VI. In case Her Majesty be pleased to appoint a Fifth Principal Secretary of State, there shall be paid out of the Revenues of India to such Principal Secretary of State and to his Under Secretaries respectively the like yearly Salaries as may for the Time being be paid to any other of such Secretaries of State and his Under Secretaries respectively. Salaries of One Secretary of State and his Under Secretaries to be paid out of the Revenue of India.

Council of India.

VII. For the Purposes of this Act a Council shall be established, to consist of Fifteen Members, and to be styled the Council of India; and henceforth the Council in India now bearing that Name shall be styled the Council of the Governor General of India. Council of India established.

VIII. Within Fourteen Days after the passing of this Act the Court of Directors of the East India Company shall, from among the Persons then being Directors of the said Company or having been theretofore such Directors, elect Seven Persons to be with the Persons to be appointed by Her Majesty as herein-after mentioned the First Members of the Council under this Act, and the Names of the Persons so elected by the Court of Directors shall be forthwith, after such Election, certified to the Board of Commissioners for the Affairs of India, under the Seal of the said Company, and it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, within Thirty Days after the passing of this Act, to appoint to be Members of such Council Eight Persons: Provided always, that if the Court of Directors of the East India Company shall refuse or shall for such Fourteen Days neglect to make such Election of such Seven Persons, and to certify the Names of such Persons as aforesaid, it shall be lawful for Her Majesty, by Warrant under her Royal Sign Manual, within Thirty Days after the Expiration of such Fourteen Days, to appoint from among the said Directors Seven Persons to make up the full Number of the said Council. First Members of the Council.

Vacancies in the Council how to be filled up.

IX. The First, Third, Fifth, and every subsequent alternate Vacancy happening from Time to Time among the Members of the Council shall be filled up by Her Majesty, by Warrant under Her Royal Sign Manual, and every other such Vacancy shall be filled up by the Council by Election made at a Meeting to be held for that Purpose.

The major Part of the Council to be Persons who shall have served or resided Ten Years in India.

X. The major Part of the Persons to be elected by the Court of Directors and the major Part of the Persons to be first appointed by Her Majesty after the passing of this Act to be Members of the Council, shall be Persons who shall have served or resided in India for Ten Years at the least; and no Person other than a Person so qualified shall be appointed or elected to fill any Vacancy in the Council unless at the Time of the Appointment or Election Nine at the least of the continuing Members of the Council be Persons qualified as aforesaid.

Tenure of Office of Members of the Council.

XI. Every Member of the Council appointed or elected under this Act shall hold his Office during good Behaviour; provided that it shall be lawful for Her Majesty to remove any such Member from his Office upon an Address of both Houses of Parliament.

Members of the Council not to sit in Parliament.

XII. No Member of the Council appointed or elected under this Act shall be capable of sitting or voting in Parliament.

Salaries of Members of Council.

XIII. There shall be paid to each Member of the Council the yearly Salary of One thousand two hundred Pounds, out of the Revenues of India.

Retiring Pensions.

XIV. Any Member of the Council may, by Writing under his Hand, which shall be recorded in the Minutes of the Council, resign his Office, and it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to grant to any Person who, having held the Office of Member of the Council for the Period of Ten Years or upwards, shall so resign by reason of Infirmity disabling him from a due Execution of the Duties of the Office, a Retiring Pension during Life of Five hundred Pounds: Provided, that if at any Time hereafter it should appear to Parliament expedient to reduce the Number or otherwise deal with the Constitution of the said Council, no Member of Council who has not served in his Office for a Period of Ten Years shall be entitled to claim any Compensation for the Loss of his Office, or for any Alteration in the Terms and Conditions under which the same is held.

XV. The

Secretaries and Officers of the Council of India.

XV. The Secretaries and other Officers and Servants on the Home Establishment of the said Company, and on the Establishment of the Commissioners for the Affairs of India, immediately before the Commencement of this Act shall on such Commencement be and form the Establishment of the Secretary of State in Council; and the Secretary of State shall with all convenient Speed make such Arrangement of the said Establishments, and such Reductions therein, as may seem to him consistent with the due Conduct of the Public Business, and shall within Six Months after the Commencement of this Act submit a Scheme for the permanent Establishment to Her Majesty in Council; and it shall be lawful for Her Majesty, by the Advice of Her Privy Council, upon Consideration of such Scheme, to fix and declare what shall constitute and be the Establishment of the Secretary of State in Council, and what Salaries shall be paid to the Persons on the Establishment, and the Order of Her Majesty in Council shall be laid before both Houses of Parliament within Fourteen Days after the making thereof; and after such Establishment has been formed by such Order in Council no Addition of Persons shall be made to such Establishment, nor any Addition made to the Salaries authorized by such Order, without the Consent in Writing of the Chancellor of the Exchequer.

Removal of Officers and Supply of Vacancies.

XVI. After the First Formation of the Establishment, it shall be lawful for the Secretary of State in Council to remove any Officer or Servant belonging thereto, and also to make all Appointments and Promotions to and in such Establishment; provided that the Order of Her Majesty in Council of the Twenty-first Day of May One thousand eight hundred and fifty-five, or such other Regulations as may be from Time to Time established by Her Majesty for Examinations, Certificates, Probation, or other Tests of Fitness, in relation to Appointments to junior Situations in the Civil Service, shall apply to such Appointments on the said Establishment.

Compensations to Officers on Home Establishment of the Company and of Board of Control not retained on new Establishment.

XVII. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to grant to any Secretary, Officer, or Servant on the Home Establishment of the said Company, or on the Establishment of the said Commissioners, who in consequence of such Reduction as aforesaid by the Secretary of State or under such Order in Council is not retained on the Establishment of the Secretary of State in Council, any Compensation, either by way of a gross or annual Payment, as, having regard to the Circumstances, may seem just.

Superannuation to Officers.

XVIII. It shall be lawful for Her Majesty, by Warrant countersigned as aforesaid, to grant to any such Secretary, Officer, or Servant

as aforesaid, retained on such last-mentioned Establishment, such Compensation, Superannuation, or Retiring Allowance on his ceasing to hold Office as might have been granted to him if this Act had not been passed, and the Transfer of any Person to the Service of the Secretary of State in Council shall be deemed to be a Continuance of his previous Appointment or Employment, and shall not prejudice any Claims which he might have had in respect of Length of Service if his Service under the said Company or Commissioners had continued; and it shall be lawful for Her Majesty, by Warrant countersigned as aforesaid, to grant to any Secretary, Officer, or Servant appointed on the said Establishment after the First Formation thereof such Compensation, Superannuation, or Retiring Allowance as, under the Act of the Session holden in the Fourth and Fifth Years of King William the Fourth, Chapter Twenty-four, or any other Act for the Time being in force concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service, may be granted to Persons appointed on the Establishment of One of Her Majesty's Principal Secretaries of State.

Duties and Procedure of the Council.

Duties of the Council.

XIX. The Council shall, under the Direction of the Secretary of State, and subject to the Provisions of this Act, conduct the Business transacted in the United Kingdom in relation to the Government of India and the Correspondence with India, but every Order or Communication sent to India shall be signed by One of the Principal Secretaries of State; and, save as expressly provided by this Act, every Order in the United Kingdom in relation to the Government of India under this Act shall be signed by such Secretary of State; and all Despatches from Governments and Presidencies in India, and other Despatches from India, which if this Act had not been passed should have been addressed to the Court of Directors or to their Secret Committee, shall be addressed to such Secretary of State.

Secretary of State to divide the Council into Committees, and to regulate the Transaction of Business.

XX. It shall be lawful for the Secretary of State to divide the Council into Committees for the more convenient Transaction of Business, and from Time to Time to re-arrange such Committees, and to direct what Departments of the Business in relation to the Government of India under this Act shall be under such Committees respectively, and generally to direct the Manner in which all such Business shall be transacted.

President and Vice-President.

XXI. The Secretary of State shall be the President of the Council, and it shall be lawful for such Secretary of State in Council to

to appoint from Time to Time any Member of such Council to be Vice-President thereof, and any such Vice-President may at any Time be removed by the Secretary of State.

Meetings of the Council.

XXII. All Powers by this Act required to be exercised by the Secretary of State in Council, and all Powers of the Council, shall and may be exercised at Meetings of such Council, at which not less than Five Members shall be present, and at every Meeting the Secretary of State, or in his Absence the Vice-President, if present, shall preside, and in the Absence of the Secretary of State and Vice-President, One of the Members of the Council present shall be chosen by the Members present to preside at the Meeting; and such Council may act notwithstanding any Vacancy therein: Meetings of the Council shall be convened and held when and as the Secretary of State shall from Time to Time direct; provided that One such Meeting at least be held in every Week; and upon Requisition in Writing by Five or more of the Members of the Council, One of the Secretaries or Assistant Secretaries shall convene a Meeting of such Council, giving Three Days Notice in Writing thereof to the Secretary of State and each Member of the Council.

Procedure at Meetings.

XXIII. At any Meeting of the Council at which the Secretary of State is present, if there be a Difference of Opinion on any Question other than the Question of the Election of a Member of Council, or any Question with regard to which the Secretary of State is not hereby empowered to act without the Concurrence of a Majority of the Council present at a Meeting, the Determination of the Secretary of State shall be final; and in case of an Equality of Votes at any Meeting of the Council, the Secretary of State, if present, and in his Absence the Vice-President, or presiding Member, shall have a Casting Vote; and all Acts done at any Meeting of the Council in the Absence of the Secretary of State, except the Election of a Member of the Council shall require the Sanction or Approval in Writing of the Secretary of State; and in case of Difference of Opinion on any Question decided at any Meeting, the Secretary of State may require that his Opinion, and the Reasons for the same, be entered in the Minutes of the Proceedings, and any Member of the Council who may have been present at the Meeting may require that his Opinion, and any Reasons for the same that he may have stated at the Meeting, be entered in like Manner.

Orders, &c., to be open to the Perusal of Members of Council,

XXIV. Every Order or Communication proposed to be sent to India, and every Order proposed to be made in the United Kingdom by the Secretary of State, under this Act, shall, unless the same has been submitted to a Meeting of the Council, be placed

who may record their Opinions.

placed in the Council Room for the Perusal of all Members of the Council during Seven Days before the sending or making thereof, except in the Cases herein-after provided; and it shall be lawful for any Member of the Council to record in a Minute Book, to be kept for that Purpose, his Opinion with respect to each such Order or Communication, and a Copy of every Opinion so recorded shall be sent forthwith to the Secretary of State.

Secretary of State acting against the Opinions of the Majority to record his Reasons.

XXV. If a Majority of the Council record as aforesaid their Opinions against any Act proposed to be done, the Secretary of State shall, if he do not defer to the Opinions of the Majority, record his Reasons for acting in opposition thereto.

Provision for Cases of Urgency.

XXVI. Provided, That where it appears to the Secretary of State that the Despatch of any Communication, or the making of any Order not being an Order for which the Consent of a Majority of the Council present at a Meeting is hereby made necessary, is urgently required, the Communication may be sent or Order given notwithstanding the same may not have been submitted to a Meeting of the Council or deposited for Seven Days as aforesaid, the urgent Reasons for sending or making the same being recorded by the Secretary of State; and Notice thereof being given to every Member of the Council, except in the Cases herein-after mentioned.

Orders now sent through Secret Committee may be sent by Secretary of State without Communication with the Council.

XXVII. Provided also, That any Order, not being an Order for which the Consent of a Majority of the Council present at a Meeting is hereby made necessary, which might, if this Act had not been passed, have been sent by the Commissioners for the Affairs of India through the Secret Committee of the Court of Directors to Governments or Presidencies in India, or to the Officers or Servants of the said Company, may, after the Commencement of this Act, be sent to such Governments or Presidencies, or to any Officer or Servant in India, by the Secretary of State, without having been submitted to a Meeting or deposited for the Perusal of the Members of the Council, and without the Reasons being recorded or Notice thereof given as aforesaid.

Secret Despatches from India.

XXVIII. Any Despatches to Great Britain which might if this Act had not been passed have been addressed to the Secret Committee of the Court of Directors, may be marked "Secret" by the Authorities sending the same, and such Despatches shall not be communicated to the Members of the Council, unless the Secretary of State shall so think fit and direct.

Appointments

Appointments and Patronage.

Appointments to be made by or with the Approbation of Her Majesty.

XXIX. The Appointments of Governor General of India, Fourth Ordinary Member of the Council of the Governor General of India, and Governors of Presidencies in India, now made by the Court of Directors with the Approbation of Her Majesty, and the Appointments of Advocate General for the several Presidencies now made with the Approbation of the Commissioners for the Affairs of India, shall be made by Her Majesty by Warrant under Her Royal Sign Manual; the Appointments of the Ordinary Members of the Council of the Governor General of India, except the Fourth Ordinary Member, and the Appointments of the Members of Council of the several Presidencies, shall be made by the Secretary of State in Council with the Concurrence of a Majority of Members present at a Meeting; the Appointments of the Lieutenant Governors of Provinces or Territories shall be made by the Governor General of India, subject to the Approbation of Her Majesty; and all such Appointments shall be subject to the Qualifications now by Law affecting such Offices respectively.

Appointments now made in India to continue to be made there.

XXX. All Appointments to Offices, Commands, and Employments in India, which by Law, or under any Regulations, Usage, or Custom, are now made by any Authority in India, shall continue to be made in India by the like Authority, and subject to the Qualifications, Conditions, and Restrictions now affecting such Appointments respectively; but the Secretary of State in Council, with the Concurrence of a Majority of Members present at a Meeting, shall have the like Power to make Regulations for the Division and Distribution of Patronage and Power of Nomination among the several Authorities in India, and the like Power of restoring to their Stations, Offices, or Employments, Officers and Servants suspended or removed by any Authority in India as might have been exercised by the said Court of Directors, with the Approbation of the Commissioners for the Affairs of India, if this Act had not been passed.

Provision for Appointment of Persons entitled under 16 & 17 Vict. c. 95. s. 41.

XXXI. All such Persons becoming entitled to Appointments under the Regulations for the Time being in force under the said Act of the Sixteenth and Seventeenth Years of Her Majesty, as the Court of Directors would be required to appoint under Section Forty-one of that Act, shall be appointed by the Secretary of State in Council.

Other Appointments and Admissions to Service.

XXXII. All Appointments to Cadetships, Naval and Military, and all Admissions to Service not herein otherwise expressly provided for, shall be vested in Her Majesty; and the Names of Persons to be from

from Time to Time recommended for such Cadetships and Service shall be submitted to Her Majesty by the Secretary of State.

CLAUSE A. Regulations to be made for admitting Persons to be examined for Cadetships in Engineers and Artillery.

XXXIII. With all convenient Speed after the Commencement of this Act, Regulations shall be made for admitting any Persons being natural-born Subjects of Her Majesty (and of such Age and Qualifications as may be prescribed in this Behalf) who may be desirous of becoming Candidates for Cadetships in the Engineers and in the Artillery, to be examined as Candidates accordingly, and for prescribing the Branches of Knowledge in which such Candidates shall be examined, and generally for regulating and conducting such Examinations; and the Candidates who may be found entitled under such Regulations shall be recommended for such Cadetships according to the Order of their Proficiency as shown by such Examinations.

CLAUSE B. One Tenth of Persons recommended for Military Cadetships to be selected from Sons of Persons who have served in India.

XXXIV. Not less than One Tenth of the whole Number of Persons to be recommended in any Year for Military Cadetships (other than Cadetships in the Engineers and Artillery) shall be selected according to such Regulations as the Secretary of State in Council may from Time to Time make in this Behalf from among the Sons of Persons who have served in India in the Military or Civil Services of Her Majesty, or of the East India Company.

CLAUSE C. Nominations for Cadetships to be made by Secretary of State and Members of Council.

XXXV. Except as aforesaid, all Persons to be recommended for Military Cadetships shall be nominated by the Secretary of State and Members of Council, so that out of Seventeen Nominations the Secretary of State shall have Two and each Member of Council shall have One; but no Person so nominated shall be recommended unless the Nomination be approved of by the Secretary of State in Council.

Regulations as to Appointments and Admissions to Service.

XXXVI. All Powers of making Regulations in relation to Appointments and Admissions to Service and other Matters connected therewith, and of altering or revoking such Regulations, which if this Act had not been passed might have been exercised by the Court of Directors or Commissioners for the Affairs of India, may be exercised by the Secretary of State in Council, and all Regulations in force at the Time of the Commencement of this Act in relation to the Matters aforesaid shall remain in force, subject nevertheless to Alteration or Revocation by the Secretary of State in Council as aforesaid.

Removal of Officers by Her Majesty.

XXXVII. Any Writing under the Royal Sign Manual, removing or dismissing any Person holding any Office, Employment, or Commission, Civil or Military, in India, of which, if this Act had not been passed, a Copy would have been required to be transmitted or delivered within Eight Days after being signed by Her Majesty, to

to the Chairman or Deputy Chairman of the Court of Directors shall, in lieu thereof, be communicated within the Time aforesaid to the Secretary of State in Council.

Transfer of Property.

Real and Personal Property of the Company to vest in Her Majesty for the Purposes of the Government of India.

XXXVIII. All Lands and Hereditaments, Monies, Stores, Goods, Chattels, and other Real and Personal Estate of the said Company, subject to the Debts and Liabilities affecting the same respectively, and the Benefit of all Contracts, Covenants, and Engagements, and all Rights to Fines, Penalties, and Forfeitures, and all other Emoluments which the said Company shall be seised or possessed of, or entitled to at the Time of the Commencement of this Act, except the Capital Stock of the said Company and the Dividend thereon, shall become vested in Her Majesty, to be applied and disposed of, subject to the Provisions of this Act, for the Purposes of the Government of India.

Powers of Sale and Purchase, and contracting.

XXXIX. The Secretary of State in Council, with the Concurrence of a Majority of Members present, shall have full Power to sell and dispose of all Real and Personal Estate whatsoever for the Time being vested in Her Majesty under this Act, as may be thought fit, or to raise Money on any such Real Estate by way of Mortgage, and make the proper Assurances for that Purpose, and to purchase and acquire any Land or Hereditaments, or any Interests therein, Stores, Goods, Chattels, and other Property, and to enter into any Contracts whatsoever, as may be thought fit, for the Purposes of this Act; and all Property so acquired shall vest in Her Majesty for the Service of the the Government of India; and any Conveyance or Assurance of or concerning any Real Estate to be made by the Authority of the Secretary of State in Council may be made under the Hands and Seals of Three Members of the Council.

Revenues.

Clause D. Expenditure of Revenues of India subject to Control of Secretary of State in Council.

XL. The Expenditure of the Revenues of India, both in India and elsewhere, shall be subject to the Control of the Secretary of State in Council, and no Grant or Appropriation of any Part of such Revenues, or of any other Property coming into the Possession of the Secretary of State in Council by virtue of this Act, shall be made without the Concurrence of a Majority of Members of the Council present at a Meeting.

Dividend of the Company, and existing and

XLI. The Dividend on the Capital Stock of the said Company secured by the Act of the Third and Fourth Years of King William the Fourth, Chapter Eighty-five, until the Redemption thereof, and

future Debts and Liabilities and Expenses, charged on Revenues of India.

all the Bond, Debenture, and other Debt of the said Company in Great Britain, and all the Territorial Debt and all other Debts of the said Company, and all Sums of Money, Costs, Charges, and Expenses, which if this Act had not been passed would after the Time appointed for the Commencement thereof have been payable by the said Company out of the Revenues of India, in respect or by reason of any Treaties, Covenants, Contracts, Grants, or Liabilities then existing, and all Expenses, Debts, and Liabilities which after the Commencement of this Act shall be lawfully contracted and incurred on account of the Government of India, and all Payments under this Act, shall be charged and chargeable upon the Revenues of India alone, as the same would have been if this Act had not been passed, and such Expenses, Debts, Liabilities, and Payments as last aforesaid had been Expenses, Debts, and Liabilities lawfully contracted and incurred by the said Company, and such Revenues shall not be applied to any other Purpose whatsoever; and all other Monies vested in or arising or accruing from Property or Rights vested in Her Majesty under this Act, or to be received or disposed of by the Council under this Act, shall be applied in aid of such Revenues.

Revenues remitted to Great Britain, and Monies arising in Great Britain, to be paid to Secretary of State in Council.

XLII. Such Part of the Revenues of India as shall be from Time to Time remitted to Great Britain, and all Monies of the said Company in their Treasury or under the Care of their Cashier, and all other Monies in Great Britain of the said Company, or which would have been received by them in Great Britain if this Act had not been passed, and all Monies arising or accruing in Great Britain from any Property or Rights vested in Her Majesty by this Act, or from the Sale or Disposition thereof, shall be paid to the Secretary of State in Council, to be applied for the Purposes of this Act; and all such Monies, except as herein-after otherwise provided, shall be paid into the Bank of England, to the Credit of an Account to be opened by the Governor and Company of the Bank of England, to be intituled "The Account of the Secretary of State in Council of India;" and all Monies to be placed to the Credit of such Account under this Act shall be paid out upon Drafts or Orders signed by Three Members of the Council, and countersigned by One of the Secretaries or Assistant Secretaries of the Council, and such Account shall be a public Account: Provided always, that the Secretary of State in Council may cause to be kept, from Time to Time, under the Care of their Cashier, such Sum or Sums of Money as they may deem necessary for the Payments now made out of Money under the Care of the Cashier of the said Company.

Cash Balance of the Company

XLIII. Such Amount of Money as at the Time of the Commencement of this Act may be standing to the Credit of the East India Company

Company at the Bank of England shall be transferred by the Governor and Company of the Bank of England to the Credit of the Account to be opened in the Name of the Secretary of State in Council as aforesaid. at the Bank transferred.

XLIV. There shall be raised in the Books of the Governor and Company of the Bank of England such Accounts as may be necessary in respect of any Stock or Stocks of Government Annuities, and all such Accounts respectively shall be intituled "The Stock Account of the Secretary of State in Council of India," and every such Account shall be a public Account. Stock Account to be opened at the Bank.

XLV. Such Government Stock or Stocks as at the Time of the Commencement of this Act may be standing in the Name of the East India Company in the Books of the said Governor and Company shall be transferred by the Chief Cashier or the Chief Accountant of the said Governor and Company to the proper Account or Accounts to be raised as aforesaid. Stock standing in the Name of the Company transferred.

XLVI. The Secretary of State in Council, by Letter of Attorney, executed by Three Members of the Council, and countersigned by One of the Secretaries or Assistant Secretaries of the Council, may authorize all or any of the Cashiers of the Bank of England to sell and transfer all or any Part of the Stock or Stocks standing or that may thereafter stand in the Books of the said Bank to the several Accounts of the Secretary of State in Council, and to purchase and accept Stock on the said Accounts and to receive the Dividends due and to become due on the several Stocks standing or that may thereafter stand on the said Accounts, and by any Writing signed by Three Members of the Council, and countersigned as aforesaid, may direct the Application of the Monies to be received in respect of such Sales and Dividends, but no Stock shall be purchased or sold and transferred by any of the said Cashiers under the Authority of such General Letter of Attorney, except upon an Order in Writing directed to the said Chief Cashier and Chief Accountant from Time to Time, and duly signed and countersigned as aforesaid. Power to grant Letter of Attorney for Sale, &c. of Stock and Receipt of Dividends.

XLVII. All Exchequer Bills, Exchequer Bonds, or other Government Securities, or other Securities, of whatsoever Kind, not hereinbefore referred to, which shall be held by the Governor and Company of the Bank of England in trust for or on account of the East India Company at the Time of the Commencement of this Act, shall thenceforward be held by the said Governor and Company in trust for and on account of the Secretary of State in Council; and all such Securities as aforesaid, and all such Securities as may thereafter be lodged Provision as to Exchequer Bills and like Securities.

with the said Governor and Company by or on behalf of the Secretary of State in Council, shall and may be disposed of and the Proceeds thereof applied as may be authorized by Order in Writing signed by Three Members of the Council, and countersigned by One of the Secretaries or Assistant Secretaries of the Council, and directed to the said Chief Cashier and Chief Accountant.

Powers of borrowing vested in the Company transferred to Secretary of State in Council.

XLVIII. All Powers of issuing Bonds, Debentures, and other Securities for Money in Great Britain which, if this Act had not been passed, might have been exercised by the said Company, or the Court of Directors, under the Direction and Control of the Commissioners for the Affairs of India, or otherwise, shall and may be exercised by the Secretary of State in Council with the Concurrence of a Majority of Members present, and such Securities as might have been issued under the Seal of the said Company shall be issued under the Hands of Three Members of the Council and countersigned by One of their Secretaries or Assistant Secretaries.

Forgery to be punishable as Forgery of East India Bonds.

XLIX. All Provisions now in force in anywise relating to the Offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any East India Bond, with Intent to defraud, shall extend and be applicable to and in respect of any Bond, Debenture, or Security issued by the Secretary of State in Council of India under the Authority of this Act.

Present System of issuing Warrants for Payments to be continued.

L. The Regulations and Practice now acted on by the Court of Directors on the Issue of Warrants or Authorities for the Payment of Money shall be maintained and acted on by the Secretary of State in Council of India under this Act until the same be altered by the Authority of Her Majesty in Council: Provided, that where a Warrant or Authority for the Payment of Money passes through the Audit Department before Payment, it shall be countersigned by such Officer or Officers of the Audit Department as the Secretary of State in Council may direct before Payment shall be made; and that Warrants or Authorities which have heretofore been signed by Two Directors of the East India Company shall, after the Commencement of this Act, be signed by Three Members of the Council of India.

Audit of Accounts in Great Britain.

LI. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to appoint from Time to Time a fit Person to be Auditor of the Accounts of the Secretary of State in Council, and to authorize such Auditor to appoint and remove from Time to Time such Assistants as may be specified in such Warrant; and every such Auditor shall hold Office during good Behaviour; and there shall be

paid

paid to such Auditor and Assistants such respective Salaries as Her Majesty, by Warrant as aforesaid countersigned as aforesaid, may direct; and such Auditor shall examine and audit the Accounts of the Receipt, Expenditure, and Disposal in Great Britain of all Monies, Stores, and Property applicable for the Purposes of this Act; and the Secretary of State in Council shall by the Officers and Servants of the Establishment produce and lay before such Auditor from Time to Time all such Accounts, accompanied by proper Vouchers for the Support of the same, and shall submit to his Inspection all Books, Papers, and Writings having relation thereto; and such Auditor shall have Power to examine all such Officers and Servants in Great Britain of the Establishment as he may see fit in relation to such Accounts, and the Receipt, Expenditure, or Disposal of such Monies, Stores, and Property, and for that Purpose, by Writing under his Hand, to summon before him any such Officer or Servant; and such Auditor shall report from Time to Time to the Secretary of State in Council his Approval or Disapproval of such Accounts, with such Remarks and Observations in relation thereto as he may think fit; and shall specify in detail in his Reports all Sums of Money, Stores, and Property which ought to be accounted for, and are not brought into account or have not been appropriated, in conformity with the Provisions of this Act, or have been expended or disposed of without due Authority, and shall also specify any Defects, Inaccuracies, or Irregularities which may appear in such Accounts, or in the Authorities, Vouchers, or Documents having relation thereto; and all such Reports shall be laid before both Houses of Parliament together with the Accounts of the Year to which the same may relate.

Accounts to be annually laid before Parliament.

LII. The Secretary of State in Council shall, within the first Fourteen Days during which Parliament may be sitting next after the First Day of March in every Year, lay before both Houses of Parliament an Account for the last financial Year of the annual Produce of the Revenues of India, distinguishing the same under the respective Heads thereof, at each of the several Presidencies or Governments, and of all the annual Receipts and Disbursements at Home and Abroad on account of the Government of India, distinguishing the same under the respective Heads thereof, together with the latest Estimate of the same for the current Year, and also the Amount of the Debts chargeable on the Revenues of India, with the Rates of Interest they respectively carry, and the annual Amount of such Interest, the State of the Effects and Credits at each Presidency or Government, and in England or elsewhere, applicable to the Purposes of the Government of India, according to the latest Advices which have been received thereof, and also a List of the Establishment of the Secretary of State in Council, and the Salaries and Allowances

payable in respect thereof; and if any new or increased Salaries or Pensions of Fifty Pounds a Year or upwards have been granted or created within any Year, the Particulars thereof shall be specially stated and explained at the Foot of the Account of such Year.

CLAUSE E. When Order to commence Hostilities is sent to India, the Fact to be communicated to Parliament.

LIII. When any Order is sent to India directing the actual Commencement of Hostilities by Her Majesty's Forces in India, the Fact of such Order having been sent shall be communicated to both Houses of Parliament within One Month after the sending of such Order, if Parliament be sitting, and if Parliament be not sitting then within One Month after the next Meeting of Parliament.

Existing Establishments.

Indian Military and Naval Forces to remain under existing Conditions of Service.

LIV. The Military and Naval Forces of the East India Company shall be deemed to be the Indian Military and Naval Forces of Her Majesty, and shall be under the same Obligations to serve Her Majesty as they would have been under to serve the said Company, and shall be liable to serve within the same territorial Limits only, for the same Terms only, and be entitled to the like Pay, Pensions, Allowances, and Privileges, and the like Advantages as regards Promotion and otherwise, as if they had continued in the Service of the said Company: Such Forces, and all Persons hereafter enlisting in or entering the same, shall continue and be subject to all Acts of Parliament, Laws of the Governor General of India in Council, and Articles of War, and all other Laws, Regulations, and Provisions relating to the East India Company's Military and Naval Forces respectively, as if Her Majesty's Indian Military and Naval Forces respectively had throughout such Acts, Laws, Articles, Regulations, and Provisions been mentioned or referred to, instead of such Forces of the said Company; and the Pay and Expenses of and incident to Her Majesty's Indian Military and Naval Forces shall be defrayed out of the Revenues of India.

Provision for Persons hereafter entering Her Majesty's Indian Forces.

LV. Provided, That it shall be lawful for Her Majesty from Time to Time by Order in Council to alter or regulate the Terms and Conditions of Service under which Persons hereafter entering Her Majesty's Indian Forces shall be commissioned, enlisted, or entered to serve, and the Forms of Attestation and of the Oath or Declaration to be used and taken or made respectively on attesting Persons to serve in Her Majesty's Indian Forces shall be such as Her Majesty with regard to the European Forces, and the Governor General of India in Council with regard to the Native Forces, shall from Time to Time direct.

LVI. All

Servants of the Company to be deemed Servants of Her Majesty.

LVI. All Persons who at the Time of the Commencement of this Act shall hold any Offices, Employments, or Commissions whatever under the said Company in India shall thenceforth be deemed to hold such Offices, Employments, and Commissions under Her Majesty as if they had been appointed under this Act, and shall be paid out of the Revenues of India; and the Transfer of any Person to the Service of Her Majesty shall be deemed to be a Continuance of his previous Service, and shall not prejudice any Claims to Pension, or any Claims on the varions Annuity Funds of the several Presidencies in India, which he might have had if this Act had not been passed.

All Orders of the Court of Directors or Board of Control to remain in force.

LVII. All Orders, Regulations, and Directions lawfully given or made before the Commencement of this Act by the Court of Directors or by the Commissioners for the Affairs of India shall remain in force; but the same shall, from and after the Commencement of this Act, be deemed to be the Orders, Regulations, and Directions under this Act, and take effect and be construed and be subject to Alteration or Revocation accordingly.

Cesser of Appointments and Functions of Directors, &c.

LVIII. All Functions and Powers of Courts of Proprietors and Courts of Directors of the said Company in relation to the Government of India, and all Appointments of such of the Directors of the said Company as have been appointed by Her Majesty, shall cease, and the yearly Sums payable to the Chairman, Deputy Chairman, and other Directors of the said Company shall cease to be payable, and all Powers vested in Her Majesty of appointing Directors of the said Company shall cease and determine.

Board of Control abolished.

LIX. The Appointments and Powers of Appointment of Commissioners for the Affairs of India shall cease and determine.

Records of the Company to be delivered to Council.

LX. All Books, Records, and Archives of the said Company, except such Books and Documents as concern the Ownership of Shares in the Capital Stock of the said Company, and the Payments to the Proprietors of such Capital Stock of their respective Shares of the Dividend thereon, shall be delivered into the Care and Custody of the Secretary of State in Council as they may direct.

Continuance of existing Enactments.

Existing Provisions to be applicable to Secretary of State in Council, &c.

LXI. All Acts and Provisions now in force concerning India shall, subject to the Provisions of this Act, continue in force, and be construed as referring to the Secretary of State in Council in the Place of the said Company and the Court of Directors and Court of Proprietors thereof, and all Enactments applicable to the Officers and

Servants of the said Company in India, and to Appointments to Office or Admissions to Service by the said Court of Directors, shall, subject to the Provisions of this Act, remain applicable to the Officers and Servants continued and to the Officers and Servants appointed or employed in India, and to Appointments to Office and Admissions to Service under the Authority of this Act.

Actions and Contracts.

Secretary of State in Council may sue and be sued.

LXII. The Secretary of State in Council shall and may sue and be sued by the Name of the Secretary of State in Council as a Body Corporate.

Secretary of State in Council to come in the Place of the Company with regard to pending Suits, &c.

LXIII. The Secretary of State in Council shall, with respect to all Actions, Suits, and all Proceedings by or against the said Company pending at the Time of the Commencement of this Act, come in the Place of the said Company, and that without the Necessity of substituting the Name of the Secretary of State in Council for that of the said Company.

Contracts, &c., of the Company may be enforced by and against Secretary of State in Council.

LXIV. All Contracts, Covenants, and Engagements of the said Company made or entered into before the Commencement of this Act may be enforced by and against the Secretary of State in Council in like Manner as they might have been by and against the said Company if this Act had not been passed.

Members of Council not personally liable.

LXV. Neither the Secretary of State nor any Member of the Council shall be personally liable in respect of any such Contract, Covenant, or Engagement of the said Company as aforesaid, or in respect of any Contract entered into under the Authority of this Act, or other Liability of the said Secretary of State or Secretary of State in Council in their official Capacity; but all such Liabilities, and all Costs and Damages in respect thereof, shall be satisfied and paid out of the Revenues of India.

Saving of certain Rights of the Company.

Payment of Expenses of the Company in respect of their Capital Stock and Dividend.

LXVI. It shall be lawful for the Secretary of State in Council to pay to the said Company out of the Revenues of India such annual Sum as Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, may direct for defraying the Expenses of and incident to the Payment to the Proprietors of the Capital Stock of the said Company of their respective Shares of the Dividend on such Stock, and of keeping the Books of the said Company for Transfers, and otherwise in relation to such Stock.

LXVII. Nothing

Saving of the Rights of the Company in respect of their Dividend and Security Fund.

LXVII. Nothing herein contained shall affect the Preference secured by the said Act of the Third and Fourth Years of King William the Fourth to the Dividend on the Capital Stock of the said Company or the Right of the said Company to demand the Redemption of the said Dividend secured by such Act; and all the Provisions of the said Act concerning the Security Fund thereby created shall remain in force, save that when the Approbation of the Commissioners for the Affairs of India is required in relation to the Disposal of the said Security Fund, the Approbation of the Secretary of State in Council shall be required.

Commencement of the Act.

Commencement of Act.

LXVIII. Save as herein otherwise provided this Act shall commence and take effect on the Expiration of Thirty Days after the Day of the passing thereof.

Provision as to Proceedings in India before the Act is proclaimed there.

LXIX. This Act shall be proclaimed in the several Presidencies and Governments of India as soon as conveniently may be after such Act has been received by the Governor General of India; and until such Proclamation be made all Acts, Matters, and Things done, ordered, directed, or authorized in India in the Name of the East India Company, or otherwise in relation to the Government of India, shall be as valid and effectual as if this Act had not been passed.

Government of India.

(No. 3.)

A

BILL

[AS AMENDED IN COMMITTEE]

For the better Government of India.

(*Prepared and brought in by Mr. FitzRoy, Lord Stanley, and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,*
5 *July* 1858.

[Bill 178.]

Under 3 oz.

LORDS AMENDMENTS

TO THE

GOVERNMENT OF INDIA BILL.

Note.—*The Page and Line refer to the Bill* (204.) *as first printed by the Lords.*

Page 2.

Line 6. After (" vested in ") insert (" Her Majesty ")

Line 7. Leave out (" on behalf of Her Majesty "), and insert (" in Her Name ")

Line 14. Leave out (" on behalf "), and insert (" by and in the Name ")

Line 20. After (" India ") insert (" alone ")

Page 4.

Line 4. Leave out (" Director "), and insert (" Person ")

Line 8. Leave out (" the First, Third, Fifth, and every subse- " quent alternate "), and insert (" every ")

Line 10. After (" Council ") insert (" appointed by Her Majesty, " not being Members so appointed, by reason of the " Refusal or Neglect of the Court of Directors, or " the Refusal to accept Office herein-before men- " tioned ")

Line 11. Leave out (" such ")

Line 18. After (" least ") insert (" and (excepting in the Case " of late and present Directors and Officers on the " Home Establishment of the East India Com- " pany who shall have so served or resided) shall not " have last left India more than Ten Years next " preceding the Date of their Appointment ")

Page 5.

Line 24. After (" thereof,") insert (" provided Parliament be " then sitting, or otherwise within Fourteen Days " after the next Meeting thereof ")

Page 7.

Line 9. After (" Council ") insert (" with Power to vote ")

Line 24. Leave out from (" Week ") to the End of the Clause.

Line 31. After (" or ") insert (" other than ")

Line 32. Leave out from (" which ") to (" a ") in Line 33.

Page 7.

Line 34. Leave out (" Council present ") and insert (" Votes "), and after (" Meeting ") insert (" is herein-after " declared to be necessary ")

Page 8.

Line 23. Leave out (" the Consent of ")

Line 24. Leave out (" Council present ") and insert (" Votes.")

Line 32. Leave out (" the Consent of "), and in the same Line leave out (" the Council present "), and insert (" Votes ")

Page 9.

At End of Clause 27 add (" but no such order shall be sent " without having been previously communicated to " the Vice-President and One other Member, to be " from Time to Time selected by the Secretary of " State ")

Line 7. After (" Council ") insert (" except to the Vice President " and One other Member as aforesaid.")

Lines 21 and 22. Leave out (" with the Concurrence of a " Majority of Members present at a Meeting ")

Line 28. After (" India ") insert (" and all Promotions ")

Line 32. Leave out from (" Council ") to (" shall ") in Line 33.

Page 10.

Line 1. Leave out (" Thirty-six ")

Line 23. Leave out from (" Crown ") to (" provided ") in Line 30.

Page 11.

Line 6. Leave out from (" Examinations ") to the End of the Clause.

Line 22. Before (" all ") insert (" save as herein-before provided ")

Page 12.

Line 11. Leave out (" Members present ") and insert (" Votes " at a Meeting ")

Lines 30 and 31. Leave out (" Members of the Council present ") and insert (" Votes "), and at End of Clause add of (" the Council.")

Page 13.

Lines 35 and 36. Leave out (" One of the Secretaries or Assis- " tant Secretaries of the Council "), and insert (" the " Secretary of State, or One of his Under Secre- " taries ")

Line 38. After (" Cashier ") insert (" in an Account to be kept " at the Bank of England ")

Page 14.

Line 19. Leave out (" One of the Secretaries or Asssistant " Secretaries of the Council "), and insert (" the " Secretary of State, or One of his Under Secre- " taries."

Page

Page 15.

Lines 4 and 5. Leave out ("One of the Secretaries or Assistant "Secretaries of the Council"), and insert ("the "Secretary of State, or One of his Under Secre- "taries")

Line 13. Leave out ("Members present") and insert ("Votes "at a Meeting")

Lines 15 and 16. Leave out ("One of their Secretaries or "Assistant Secretaries"), and insert ("the Secretary "of State, or One of his Under Secretaries")

Line 29. After ("Department") insert ("at the East India "House")

Line 30. Leave out the First ("the") and insert ("that")

Page 16.

Line 1. After ("Assistants") insert ("out of the Revenues of "India")

Line 18. After ("fit") insert ("specially noting any Case, if "such there shall be, in which it shall appear to him "that any Money arising out of the Revenues of "India has been appropriated to other Purposes "than those of the Government of India, to which "alone they are declared to be applicable")

Line 26. After ("Parliament") insert ("by such Auditor")

Line 31. Leave out ("last"), and after ("Year") insert ("pre- "ceding that last completed")

Line 37. Leave out ("current") and insert ("last financial")

Page 17.

At End of Clause 53 add ("and such Account shall be "accompanied by a Statement prepared from de- "tailed Reports from each Presidency and District in "India, in such Form as shall best exhibit the "moral and material Progress and Condition of "India in each such Presidency")

Line 8. Leave out ("One Month") and insert ("Three "Months")

Line 9. After ("sitting") insert ("unless such Order shall have "been in the meantime revoked or suspended")

Line 11. After ("for") insert ("preventing or"), and after ("Invasion") insert ("of Her Majesty's Indian Pos- "sessions")

Line 12. Leave out ("Her Majesty's Forces maintained out of")

Line 13. Leave out ("the East Indies") and insert ("India"), and in the same Line leave out ("be employed in") and insert ("without the Consent of both Houses of "Parliament be applicable to defray the Expenses "of")

Page 17.

Line 14. After ("Operation") insert ("carried on")

Line 14. Leave out ("Frontier of Her Majesty's Indian") and insert ("Frontiers of such")

Lines 15 and 16. Leave out ("without the Consent of Parliament "to the Purposes thereof"), and insert ("by Her "Majesty's Forces charged upon such Revenues")

Page 19.

Line 2. After ("direct") insert Clause (A).

A Person succeeding to the Office of Governor General may exercise his Powers before he takes his Seat in Council.

CLAUSE (A.) In case the Person who shall be entitled under any provisional Appointment to succeed to the Office of Governor General of India upon a Vacancy therein, or who shall be appointed absolutely to assume that Office, shall be in India (upon or after the happening of the Vacancy, or upon or after the Receipt of such absolute Appointment, as the Case may require), but shall be absent from Fort William in Bengal, or from the Place where the Council of the Governor General of India may then be, and it shall appear to him necessary to exercise the Powers of Governor General before he shall have taken his Seat in Council, it shall be lawful for him to make known by Proclamation his Appointment, and his Intention to assume the said Office of Governor General; and after such Proclamation, and thenceforth until he shall repair to Fort William, or the Place where the Council may assemble, it shall be lawful for him to exercise alone all or any of the Powers which might be exercised by the Governor General in Council, except the Power of making Laws and Regulations; and all Acts done in the Exerciseof the said Powers, except as aforesaid, shall be of the same Force and Effect as if they had been done by the Governor General in Council: Provided, that all Acts done in the said Council after the Date of such Proclamation, but before the Communication thereof to such Council, shall be valid, subject nevertheless to Revocation or Alteration by the Person who shall have so assumed the said Office of Governor General; and when the Office of Governor General is assumed under the foregoing Provision, if there be at any Time before the Governor General takes his Seat in Council no Vice President of the Council authorized to preside at Meetings for making Laws and Regulations (as provided by Section Twenty-two of the Act of the Sixteenth and Seventeenth Years of Her Majesty), the senior ordinary Member of Council then present shall preside therein, with the same Powers as if a Vice President had been appointed and were absent.

Line 34. After ("all") insert ("Treaties made by the said "Company shall be binding on Her Majesty and all")

Page 20.

Line 8. After ("India") insert Clauses (B.), (C.), and (D.)

The elected Directors

CLAUSE (B.) After the Commencement of this Act such of the Directors as have been elected by the General Court of the said Company

Company, or who shall from Time to Time be so elected, shall be the Directors of the said Company, and the major Part of such Directors for the Time being shall form a Court of Directors; and where the Presence, Signature, Consent, or Concurrence of Ten Directors is now requisite, the Presence, Signature, Consent, or Concurrence of the major Part of the Directors for the Time being shall be sufficient; and to the Intent that the Number of Directors may be reduced to Six, Two Directors only shall be elected by the General Court of the said Company at each biennial Election to fill the Vacancies occasioned by the Expiration of the Term of Office of Directors; and so much of the said Act of the Sixteenth and Seventeenth Years of Her Majesty as requires any of the Directors to be Persons who have resided Ten Years in India shall be repealed, and in the Oath to be taken by a Director of the said Company, under Section Thirteen of the said Act, the Words "*in the Administration of the Govern-* " *ment of India in trust for the Crown*" shall be omitted.

alone to be the Directors of the Company and to be reduced.

Clause (C.) It shall no longer be obligatory on the Directors to summon Four General Quarterly Courts in every Year as heretofore.

Not obligatory on Directors to summon Quarterly Courts.

Clause (D.) Except Claims of Mortgagees of the Security Fund herein-before mentioned, the said Company shall not, after the passing of this Act, be liable in respect of any Claim, Demand, or Liability which has arisen or may hereafter arise out of any Treaty, Covenant, Contract, Grant, Engagement or fiduciary Obligation, made incurred, or entered into by the said Company before the passing of this Act, whether the said Company would but for this Act have been bound to satisfy such Claim, Demand, or Liability out of the Revenues of India, or in any other Manner whatsoever.

Company not to be liable in respect of any Claim arising out of any Covenant, &c. made before the passing of this Act.

LORDS AMENDMENTS

TO THE

GOVERNMENT OF INDIA BILL.

Ordered, by The House of Commons, *to be Printed*,
24 *July* 1858.

[Bill 236.]

Under 1 *oz.*

415
367

Government of India Bill.

[AS AMENDED BY THE LORDS.]

(No. 3.)

ARRANGEMENT OF CLAUSES.

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Duties of the Council; 19.

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President and Vice-President; 21.

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Commencement of Act; 70.

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(No. 3.)

A

B I L L

[AS AMENDED BY THE LORDS]

INTITULED

An Act for the better Government of India.

[Note.—*The Words struck through were omitted, and the Words in Italics and the Clauses* (A)., (B.,) (C.,) *and* (D.) *were inserted, by the Lords.*]

WHEREAS by an Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-five, "to provide for the Government of India," the Territories in the Possession and under the Government of the East India Company were continued under such Government, in trust for Her Majesty, until Parliament should otherwise provide, subject to the Provisions of that Act and of other Acts of Parliament, and the Property and Rights in the said Act referred to are held by the said Company in trust for Her Majesty for the Purposes of the said Government: And whereas it is expedient that the said Territories should be governed by and in the Name of Her Majesty: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say, Preamble. 16 & 17 Vict. c. 95.

Transfer of the Government of India to Her Majesty.

I. The Government of the Territories now in the Possession or under the Government of the East India Company, and all Powers in Territories under the Government

of the East India Company to be vested in Her Majesty.

in relation to Government vested in or exercised by the said Company in trust for Her Majesty, shall cease to be vested in or exercised by the said Company, and all Territories in the Possession or under the Government of the said Company, and all Rights vested in or which if this Act had not been passed might have been exercised by the said Company in relation to any Territories, shall become vested in *Her Majesty*, and be exercised ~~on behalf of Her Majesty~~ in *Her Name;* and for the Purposes of this Act India shall mean the Territories vested in Her Majesty as aforesaid, and all Territories which may become vested in Her Majesty by virtue of any such Rights as aforesaid.

India to be governed by and in the Name of Her Majesty.

II. India shall be governed by and in the Name of Her Majesty, and all Rights in relation to any Territories which might have been exercised by the said Company if this Act had not been passed shall and may be exercised ~~on behalf~~ *by and in the Name* of Her Majesty as Rights incidental to the Government of India; and all the Territorial and other Revenues of or arising in India, and all Tributes and other Payments in respect of any Territories which would have been receivable by or in the Name of the said Company if this Act had not been passed, shall be received for and in the Name of Her Majesty, and shall be applied and disposed of for the Purposes of the Government of India *alone*, subject to the Provisions of this Act.

Secretary of State to exercise Powers now exercised by the Company or Board of Control.

III. Save as herein otherwise provided, One of Her Majesty's Principal Secretaries of State shall have and perform all such or the like Powers and Duties in anywise relating to the Government or Revenues of India, and all such or the like Powers over all Officers appointed or continued under this Act, as might or should have been exercised or performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or by the Direction or with the Sanction or Approbation of the Commissioners for the Affairs of India in relation to such Government or Revenues, and the Officers and Servants of the said Company respectively, and also all such Powers as might have been exercised by the said Commissioners alone; and any Warrant or Writing under Her Majesty's Royal Sign Manual, which by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Seventy-seven, or otherwise, is required to be countersigned by the President of the Commissioners for the Affairs of India, shall in lieu of being so countersigned be countersigned by One of Her Majesty's Principal Secretaries of State.

Four Principal Secretaries and Four Under

IV. After the Commencement of this Act any Four of Her Majesty's Principal Secretaries of State for the Time being, and any Four of the Under Secretaries for the Time being to Her Majesty's

Majesty's Principal Secretaries of State, may sit and vote as Members of the House of Commons, but not more than Four such Principal Secretaries and not more than Four such Under Secretaries shall sit as Members of the House of Commons at the same Time. Secretaries of State may sit in the House of Commons.

V. In case the Person who immediately before the Commencement of this Act is the President of the Commissioners for the Affairs of India be appointed, upon or within One Month after the Commencement of this Act, One of Her Majesty's Principal Secretaries of State, and be at the Time of such Appointment a Member of the House of Commons, he shall not by reason of such Appointment vacate his Seat in Parliament. Seat of President of Board of Control in the House of Commons not vacated.

VI. In case Her Majesty be pleased to appoint a Fifth Principal Secretary of State, there shall be paid out of the Revenues of India to such Principal Secretary of State and to his Under Secretaries respectively the like yearly Salaries as may for the Time being be paid to any other of such Secretaries of State and his Under Secretaries respectively. Salaries of One Secretary of State and his Under Secretaries to be paid out of the Revenue of India.

Council of India.

VII. For the Purposes of this Act a Council shall be established, to consist of Fifteen Members, and to be styled the Council of India; and henceforth the Council in India now bearing that Name shall be styled the Council of the Governor General of India. Council of India established.

VIII. Within Fourteen Days after the passing of this Act the Court of Directors of the East India Company shall, from among the Persons then being Directors of the said Company or having been theretofore such Directors, elect Seven Persons to be with the Persons to be appointed by Her Majesty as herein-after mentioned the First Members of the Council under this Act, and the Names of the Persons so elected by the Court of Directors shall be forthwith, after such Election, certified to the Board of Commissioners for the Affairs of India, under the Seal of the said Company, and it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, within Thirty Days after the passing of this Act, to appoint to be Members of such Council Eight Persons: Provided always, that if the Court of Directors of the East India Company shall refuse or shall for such Fourteen Days neglect to make such Election of such Seven Persons, and to certify the Names of such Persons as aforesaid, it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, within Thirty Days after the Expiration of such Fourteen Days, to appoint from among the said Directors Seven Persons to make up the full Number of the said Council: Provided also, that if any Person being or having been such Director, and elected or appointed as First Members of the Council.

aforesaid, shall refuse to accept the Office, it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint in the Place of every ~~Director~~ *Person* so refusing some other Person to be a Member of the Council, but so that Nine Members of the Council at the least shall be Persons qualified as herein-after mentioned.

Vacancies in the Council how to be filled up.

IX. ~~The First, Third, Fifth, and every subsequent alternate~~ *Every* Vacancy happening from Time to Time among the Members of the Council *appointed by Her Majesty, not being Members so appointed by reason of the Refusal or Neglect of the Court of Directors or the Refusal to accept Office herein-before mentioned*, shall be filled up by Her Majesty, by Warrant under Her Royal Sign Manual, and every other ~~such~~ Vacancy shall be filled up by the Council by Election made at a Meeting to be held for that Purpose.

The major Part of the Council to be Persons who shall have served or resided Ten Years in India.

X. The major Part of the Persons to be elected by the Court of Directors, and the major Part of the Persons to be first appointed by Her Majesty after the passing of this Act to be Members of the Council, shall be Persons who shall have served or resided in India for Ten Years at the least, *and (excepting in the Case of late and present Directors and Officers on the Home Establishment of the East India Company who shall have so served or resided) shall not have last left India more than Ten Years next preceding the Date of their Appointment;* and no Person other than a Person so qualified shall be appointed or elected to fill any Vacancy in the Council unless at the Time of the Appointment or Election Nine at the least of the continuing Members of the Council be Persons qualified as aforesaid.

Tenure of Office of Members of the Council.

XI. Every Member of the Council appointed or elected under this Act shall hold his Office during good Behaviour; provided that it shall be lawful for Her Majesty to remove any such Member from his Office upon an Address of both Houses of Parliament.

Members of the Council not to sit in Parliament.

XII. No Member of the Council appointed or elected under this Act shall be capable of sitting or voting in Parliament.

Salaries of Members of Council.

XIII. There shall be paid to each Member of the Council the yearly Salary of One thousand two hundred Pounds, out of the Revenues of India.

Retiring Pensions.

XIV. Any Member of the Council may, by Writing under his Hand, which shall be recorded in the Minutes of the Council, resign his Office, and it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to grant to any Person who, having held the Office of Member of the Council for the Period of Ten Years or upwards, shall

shall so resign by reason of Infirmity disabling him from a due Execution of the Duties of the Office, a Retiring Pension during Life of Five hundred Pounds: Provided, that if at any Time hereafter it should appear to Parliament expedient to reduce the Number or otherwise deal with the Constitution of the said Council, no Member of Council who has not served in his Office for a Period of Ten Years shall be entitled to claim any Compensation for the Loss of his Office, or for any Alteration in the Terms and Conditions under which the same is held.

Secretaries and Officers of the Council of India.

XV. The Secretaries and other Officers and Servants on the Home Establishment of the said Company, and on the Establishment of the Commissioners for the Affairs of India, immediately before the Commencement of this Act shall on such Commencement be and form the Establishment of the Secretary of State in Council; and the Secretary of State shall with all convenient Speed make such Arrangement of the said Establishments, and such Reductions therein, as may seem to him consistent with the due Conduct of the Public Business, and shall within Six Months after the Commencement of this Act submit a Scheme for the permanent Establishment to Her Majesty in Council; and it shall be lawful for Her Majesty, by the Advice of Her Privy Council, upon Consideration of such Scheme, to fix and declare what shall constitute and be the Establishment of the Secretary of State in Council, and what Salaries shall be paid to the Persons on the Establishment, and the Order of Her Majesty in Council shall be laid before both Houses of Parliament within Fourteen Days after the making thereof, *provided Parliament be then sitting, or otherwise within Fourteen Days after the next Meeting thereof;* and after such Establishment has been formed by such Order in Council no Addition of Persons shall be made to such Establishment, nor any Addition made to the Salaries authorized by such Order, except by a similar Order in Council, to be laid in like Manner before both Houses of Parliament.

Removal of Officers and Supply of Vacancies.

XVI. After the First Formation of the Establishment, it shall be lawful for the Secretary of State in Council to remove any Officer or Servant belonging thereto, and also to make all Appointments and Promotions to and in such Establishment; provided that the Order of Her Majesty in Council of the Twenty-first Day of May One thousand eight hundred and fifty-five, or such other Regulations as may be from Time to Time established by Her Majesty for Examinations, Certificates, Probation, or other Tests of Fitness, in relation to Appointments to junior Situations in the Civil Service, shall apply to such Appointments on the said Establishment.

Compensations to Officers on Home Establishment of the Company and of Board of Control not retained on new Establishment.

XVII. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to grant to any Secretary, Officer, or Servant on the Home Establishment of the said Company, or on the Establishment of the said Commissioners, who in consequence of such Reduction as aforesaid by the Secretary of State or under such Order in Council is not retained on the Establishment of the Secretary of State in Council, any Compensation, either by way of a gross or annual Payment, as, having regard to the Circumstances, may seem just.

Superannuation to Officers.

XVIII. It shall be lawful for Her Majesty, by Warrant countersigned as aforesaid, to grant to any such Secretary, Officer, or Servant as aforesaid, retained on such last-mentioned Establishment, such Compensation, Superannuation, or Retiring Allowance on his ceasing to hold Office as might have been granted to him if this Act had not been passed, and the Transfer of any Person to the Service of the Secretary of State in Council shall be deemed to be a Continuance of his previous Appointment or Employment, and shall not prejudice any Claims which he might have had in respect of Length of Service if his Service under the said Company or Commissioners had continued; and it shall be lawful for Her Majesty, by Warrant countersigned as aforesaid, to grant to any Secretary, Officer, or Servant appointed on the said Establishment after the First Formation thereof such Compensation, Superannuation, or Retiring Allowance as, under the Act of the Session holden in the Fourth and Fifth Years of King William the Fourth, Chapter Twenty-four, or any other Act for the Time being in force concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service, may be granted to Persons appointed on the Establishment of One of Her Majesty's Principal Secretaries of State.

Duties and Procedure of the Council.

Duties of the Council.

XIX. The Council shall, under the Direction of the Secretary of State, and subject to the Provisions of this Act, conduct the Business transacted in the United Kingdom in relation to the Government of India and the Correspondence with India, but every Order or Communication sent to India shall be signed by One of the Principal Secretaries of State; and, save as expressly provided by this Act, every Order in the United Kingdom in relation to the Government of India under this Act shall be signed by such Secretary of State; and all Despatches from Governments and Presidencies in India, and other Despatches from India, which

which if this Act had not been passed should have been addressed to the Court of Directors or to their Secret Committee, shall be addressed to such Secretary of State.

Secretary of State to divide the Council into Committees, and to regulate the Transaction of Business.

XX. It shall be lawful for the Secretary of State to divide the Council into Committees for the more convenient Transaction of Business, and from Time to Time to re-arrange such Committees, and to direct what Departments of the Business in relation to the Government of India under this Act shall be under such Committees respectively, and generally to direct the Manner in which all such Business shall be transacted.

President and Vice-President.

XXI. The Secretary of State shall be the President of the Council, *with Power to vote*, and it shall be lawful for such Secretary of State in Council to appoint from Time to Time any Member of such Council to be Vice-President thereof, and any such Vice-President may at any Time be removed by the Secretary of State.

Meetings of the Council.

XXII. All Powers by this Act required to be exercised by the Secretary of State in Council, and all Powers of the Council, shall and may be exercised at Meetings of such Council, at which not less than Five Members shall be present, and at every Meeting the Secretary of State, or in his Absence the Vice-President, if present, shall preside, and in the Absence of the Secretary of State and Vice-President, One of the Members of the Council present shall be chosen by the Members present to preside at the Meeting; and such Council may act notwithstanding any Vacancy therein: Meetings of the Council shall be convened and held when and as the Secretary of State shall from Time to Time direct; provided that One such Meeting at least be held in every Week; ~~and upon Requisition in Writing by Five or more of the Members of the Council, One of the Secretaries or Assistant Secretaries shall convene a Meeting of such Council, giving Three Days Notice in Writing thereof to the Secretary of State and each Member of the Council.~~

Procedure at Meetings.

XXIII. At any Meeting of the Council at which the Secretary of State is present, if there be a Difference of Opinion on any Question other than the Question of the Election of a Member of Council, or *other than* any Question with regard to which ~~the Secretary of State is not hereby empowered to act without the Concurrence of~~ a Majority of the ~~Council present~~ *Votes* at a Meeting *is herein-after declared to be necessary*, the Determination of the Secretary of State shall be final; and in case of an Equality of Votes at any Meeting of the Council, the Secretary of State, if present, and in his Absence the Vice-President, or presiding Member, shall have a Casting Vote; and all Acts done at any Meeting of the Council in the Absence of the Secretary of State, except

the Election of a Member of the Council, shall require the Sanction or Approval in Writing of the Secretary of State; and in case of Difference of Opinion on any Question decided at any Meeting, the Secretary of State may require that his Opinion, and the Reasons for the same, be entered in the Minutes of the Proceedings, and any Member of the Council who may have been present at the Meeting may require that his Opinion, and any Reasons for the same that he may have stated at the Meeting, be entered in like Manner.

Orders, &c., to be open to the Perusal of Members of Council, who may record their Opinions.

XXIV. Every Order or Communication proposed to be sent to India, and every Order proposed to be made in the United Kingdom by the Secretary of State, under this Act, shall, unless the same has been submitted to a Meeting of the Council, be placed in the Council Room for the Perusal of all Members of the Council during Seven Days before the sending or making thereof, except in the Cases herein-after provided; and it shall be lawful for any Member of the Council to record in a Minute Book, to be kept for that Purpose, his Opinion with respect to each such Order or Communication, and a Copy of every Opinion so recorded shall be sent forthwith to the Secretary of State.

Secretary of State acting against the Opinions of the Majority to record his Reasons.

XXV. If a Majority of the Council record as aforesaid their Opinions against any Act proposed to be done, the Secretary of State shall, if he do not defer to the Opinions of the Majority, record his Reasons for acting in opposition thereto.

Provision for Cases of Urgency.

XXVI. Provided, That where it appears to the Secretary of State that the Despatch of any Communication, or the making of any Order not being an Order for which ~~the Consent of~~ a Majority of the ~~Council present~~ *Votes* at a Meeting is hereby made necessary, is urgently required, the Communication may be sent or Order given notwithstanding the same may not have been submitted to a Meeting of the Council or deposited for Seven Days as aforesaid, the urgent Reasons for sending or making the same being recorded by the Secretary of State, and Notice thereof being given to every Member of the Council, except in the Cases herein-after mentioned.

Orders now sent through Secret Committee may be sent by Secretary of State without Communication with the Council.

XXVII. Provided also, That any Order, not being an Order for which ~~the Consent of~~ a Majority of ~~the Council present~~ *Votes* at a Meeting is hereby made necessary, which might, if this Act had not been passed, have been sent by the Commissioners for the Affairs of India through the Secret Committee of the Court of Directors to Governments or Presidencies in India, or to the Officers or Servants of the said Company, may, after the Commencement of this Act, be sent

sent to such Governments or Presidencies, or to any Officer or Servant in India, by the Secretary of State, without having been submitted to a Meeting or deposited for the Perusal of the Members of the Council, and without the Reasons being recorded or Notice thereof given as aforesaid; *but no such Order shall be sent without having been previously communicated to the Vice-President and One other Member, to be from Time to Time selected by the Secretary of State.*

Secret Despatches from India.

XXVIII. Any Despatches to Great Britain which might if this Act had not been passed have been addressed to the Secret Committee of the Court of Directors, may be marked "Secret" by the Authorities sending the same, and such Despatches shall not be communicated to the Members of the Council, *except to the Vice-President and One other Member as aforesaid*, unless the Secretary of State shall so think fit and direct.

Appointments and Patronage.

Appointments to be made by or with the Approbation of Her Majesty.

XXIX. The Appointments of Governor General of India, Fourth Ordinary Member of the Council of the Governor General of India, and Governors of Presidencies in India, now made by the Court of Directors with the Approbation of Her Majesty, and the Appointments of Advocate General for the several Presidencies now made with the Approbation of the Commissioners for the Affairs of India, shall be made by Her Majesty by Warrant under Her Royal Sign Manual; the Appointments of the Ordinary Members of the Council of the Governor General of India, except the Fourth Ordinary Member, and the Appointments of the Members of Council of the several Presidencies, shall be made by the Secretary of State in Council ~~with the Concurrence of a Majority of Members present at a Meeting~~; the Appointments of the Lieutenant Governors of Provinces or Territories shall be made by the Governor General of India, subject to the Approbation of Her Majesty; and all such Appointments shall be subject to the Qualifications now by Law affecting such Offices respectively.

Appointments now made in India to continue to be made there.

XXX. All Appointments to Offices, Commands, and Employments in India, *and all Promotions*, which by Law, or under any Regulations, Usage, or Custom, are now made by any Authority in India, shall continue to be made in India by the like Authority, and subject to the Qualifications, Conditions, and Restrictions now affecting such Appointments respectively; but the Secretary of State in Council, ~~with the Concurrence of a Majority of Members present at a Meeting,~~ shall have the like Power to make Regulations for the Division and Distribution of Patronage and Power of Nomination among the several Authorities in India, and the like Power of restoring to their Stations, Offices, or Employments, Officers and Servants suspended or removed by any

Authority in India as might have been exercised by the said Court of Directors, with the Approbation of the Commissioners for the Affairs of India, if this Act had not been passed.

Repeal of certain Sections of 16 & 17 Vict. c. 95.

XXXI. Sections ~~Thirty-six,~~ Thirty-seven, Thirty-eight, Thirty-nine, Forty, Forty-one, and Forty-two of the Act of the Sixteenth and Seventeenth Victoria, Chapter Ninety-five, are hereby repealed, so far as the same apply to or provide for the Admission or Appointment of Persons to the Civil Service of the East India Company.

Secretary of State in Council to make Regulations for the Admission of Candidates to the Civil Service of India.

XXXII. With all convenient Speed after the passing of this Act, Regulations shall be made by the Secretary of State in Council, with the Advice and Assistance of the Commissioners for the Time being acting in execution of Her Majesty's Order in Council of Twenty-first May One thousand eight hundred and fifty-five, "for "regulating the Admission of Persons to the Civil Service of the "Crown," for admitting all Persons being natural-born Subjects of Her Majesty (and of such Age and Qualification as may be prescribed in this Behalf) who may be desirous of becoming Candidates for Appointment to the Civil Service of India to be examined as Candidates accordingly, and for prescribing the Branches of Knowledge in which such Candidates shall be examined, and generally for regulating and conducting such Examinations under the Superintendence of the said last-mentioned Commissioners, or of the Persons for the Time being entrusted with the carrying out of such Regulations as may be from Time to Time established by Her Majesty for Examination, Certificate, or other Test of Fitness in relation to Appointments to junior Situations in the Civil Service of the Crown, ~~and the Candidates who may be certified by the said Commissioners or other Persons as aforesaid to be entitled under such Regulations shall be recommended for Appointment according to the Order of their Proficiency as shown by such Examinations, and such Persons only as shall have been so certified as aforesaid shall be appointed or admitted to the Civil Service of India by the Secretary of State in Council~~: Provided always, that all Regulations to be made by the said Secretary of State in Council under this Act shall be laid before Parliament within Fourteen Days after the making thereof, if Parliament be sitting, and, if Parliament be not sitting, then within Fourteen Days after the next Meeting thereof.

Other Appointments and Admissions to Service.

XXXIII. All Appointments to Cadetships, Naval and Military, and all Admissions to Service not herein otherwise expressly provided for, shall be vested in Her Majesty; and the Names of Persons to be from Time to Time recommended for such Cadetships and Service shall be submitted to Her Majesty by the Secretary of State.

XXXIV. With

XXXIV. With all convenient Speed after the Commencement of this Act, Regulations shall be made for admitting any Persons being natural-born Subjects of Her Majesty (and of such Age and Qualifications as may be prescribed in this Behalf) who may be desirous of becoming Candidates for Cadetships in the Engineers and in the Artillery, to be examined as Candidates accordingly, and for prescribing the Branches of Knowledge in which such Candidates shall be examined, and generally for regulating and conducting such Examinations; ~~and the Candidates who may be found entitled under such Regulations shall be recommended for such Cadetships according to the Order of their Proficiency as shown by such Examinations.~~

Regulations to be made for admitting Persons to be examined for Cadetships in Engineers and Artillery.

XXXV. Not less than One Tenth of the whole Number of Persons to be recommended in any Year for Military Cadetships (other than Cadetships in the Engineers and Artillery) shall be selected according to such Regulations as the Secretary of State in Council may from Time to Time make in this Behalf from among the Sons of Persons who have served in India in the Military or Civil Services of Her Majesty, or of the East India Company.

One Tenth of Persons recommended for Military Cadetships to be selected from Sons of Persons who have served in India.

XXXVI. Except as aforesaid, all Persons to be recommended for Military Cadetships shall be nominated by the Secretary of State and Members of Council, so that out of Seventeen Nominations the Secretary of State shall have Two and each Member of Council shall have One; but no Person so nominated shall be recommended unless the Nomination be approved of by the Secretary of State in Council.

Nominations for Cadetships to be made by Secretary of State and Members of Council.

XXXVII. *Save as herein-before provided*, all Powers of making Regulations in relation to Appointments and Admissions to Service and other Matters connected therewith, and of altering or revoking such Regulations, which if this Act had not been passed might have been exercised by the Court of Directors or Commissioners for the Affairs of India, may be exercised by the Secretary of State in Council, and all Regulations in force at the Time of the Commencement of this Act in relation to the Matters aforesaid shall remain in force, subject nevertheless to Alteration or Revocation by the Secretary of State in Council as aforesaid.

Regulations as to Appointments and Admissions to Service.

XXXVIII. Any Writing under the Royal Sign Manual, removing or dismissing any Person holding any Office, Employment, or Commission, Civil or Military, in India, of which, if this Act had not been passed, a Copy would have been required to be transmitted or delivered within Eight Days after being signed by Her Majesty to the Chairman or Deputy Chairman of the Court of Directors, shall, in lieu thereof, be communicated within the Time aforesaid to the Secretary of State in Council.

Removal of Officers by Her Majesty.

Transfer of Property.

Real and Personal Property of the Company to vest in Her Majesty for the Purposes of the Government of India.

XXXIX. All Lands and Hereditaments, Monies, Stores, Goods, Chattels, and other Real and Personal Estate of the said Company, subject to the Debts and Liabilities affecting the same respectively, and the Benefit of all Contracts, Covenants, and Engagements, and all Rights to Fines, Penalties, and Forfeitures, and all other Emoluments which the said Company shall be seised or possessed of, or entitled to at the Time of the Commencement of this Act, except the Capital Stock of the said Company and the Dividend thereon, shall become vested in Her Majesty, to be applied and disposed of, subject to the Provisions of this Act, for the Purposes of the Government of India.

Powers of Sale and Purchase, and contracting.

XL. The Secretary of State in Council, with the Concurrence of a Majority of ~~Members present~~ *Votes at a Meeting*, shall have full Power to sell and dispose of all Real and Personal Estate whatsoever for the Time being vested in Her Majesty under this Act, as may be thought fit, or to raise Money on any such Real Estate by way of Mortgage, and make the proper Assurances for that Purpose, and to purchase and acquire any Land or Hereditaments, or any Interests therein, Stores, Goods, Chattels, and other Property, and to enter into any Contracts whatsoever, as may be thought fit, for the Purposes of this Act; and all Property so acquired shall vest in Her Majesty for the Service of the the Government of India; and any Conveyance or Assurance of or concerning any Real Estate to be made by the Authority of the Secretary of State in Council may be made under the Hands and Seals of Three Members of the Council.

Revenues.

Expenditure of Revenues of India subject to Control of Secretary of State in Council.

XLI. The Expenditure of the Revenues of India, both in India and elsewhere, shall be subject to the Control of the Secretary of State in Council, and no Grant or Appropriation of any Part of such Revenues, or of any other Property coming into the Possession of the Secretary of State in Council by virtue of this Act, shall be made without the Concurrence of a Majority of ~~Members of the Council present~~ *Votes* at a Meeting *of the Council.*

Dividend of the Company, and existing and future Debts and Liabilities and Expenses, charged on Revenues of India.

XLII. The Dividend on the Capital Stock of the said Company secured by the Act of the Third and Fourth Years of King William the Fourth, Chapter Eighty-five, until the Redemption thereof, and all the Bond, Debenture, and other Debt of the said Company in Great Britain, and all the Territorial Debt and all other Debts of the said Company, and all Sums of Money, Costs, Charges, and Expenses, which if this Act had not been passed would after the Time appointed for the Commencement thereof have been payable by the said Company out of the Revenues of India, in respect or by reason of any Treaties, Covenants, Contracts, Grants, or Liabilities then

then existing, and all Expenses, Debts, and Liabilities which after the Commencement of this Act shall be lawfully contracted and incurred on account of the Government of India, and all Payments under this Act, shall be charged and chargeable upon the Revenues of India alone, as the same would have been if this Act had not been passed, and such Expenses, Debts, Liabilities, and Payments as last aforesaid had been Expenses, Debts, and Liabilities lawfully contracted and incurred by the said Company, and such Revenues shall not be applied to any other Purpose whatsoever; and all other Monies vested in or arising or accruing from Property or Rights vested in Her Majesty under this Act, or to be received or disposed of by the Council under this Act, shall be applied in aid of such Revenues: Provided always, that nothing herein contained shall lessen or prejudicially affect any Security to which the said Company, or any Proprietor or Creditor thereof, now is or may be entitled upon the Fund called "The Security Fund of the India Company," and mentioned in the Act of the Third and Fourth Years of His late Majesty King William the Fourth, Chapter Eighty-five, Section Fourteen.

Revenues remitted to Great Britain, and Monies arising in Great Britain, to be paid to Secretary State in Council.

XLIII. Such Part of the Revenues of India as shall be from Time to Time remitted to Great Britain, and all Monies of the said Company in their Treasury or under the Care of their Cashier, and all other Monies in Great Britain of the said Company, or which would have been received by them in Great Britain if this Act had not been passed, and all Monies arising or accruing in Great Britain from any Property or Rights vested in Her Majesty by this Act, or from the Sale or Disposition thereof, shall be paid to the Secretary of State in Council, to be applied for the Purposes of this Act; and all such Monies, except as herein-after otherwise provided, shall be paid into the Bank of England, to the Credit of an Account to be opened by the Governor and Company of the Bank of England, to be intituled "The Account of the Secretary of State in Council of India;" and all Monies to be placed to the Credit of such Account under this Act shall be paid out upon Drafts or Orders signed by Three Members of the Council, and countersigned by ~~One of the Secretaries or Assistant Secretaries of the Council,~~ *the Secretary of State or One of his Under Secretaries*, and such Account shall be a public Account: Provided always, that the Secretary of State in Council may cause to be kept, from Time to Time, under the Care of their Cashier, *in an Account to be kept at the Bank of England*, such Sum or Sums of Money as they may deem necessary for the Payments now made out of Money under the Care of the Cashier of the said Company.

Cash Balance of the Company

XLIV. Such Amount of Money as at the Time of the Commencement of this Act may be standing to the Credit of the East India

at the Bank transferred.

Company at the Bank of England shall be transferred by the Governor and Company of the Bank of England to the Credit of the Account to be opened in the Name of the Secretary of State in Council as aforesaid.

Stock Account to be opened at the Bank.

XLV. There shall be raised in the Books of the Governor and Company of the Bank of England such Accounts as may be necessary in respect of any Stock or Stocks of Government Annuities, and all such Accounts respectively shall be intituled "The Stock Account of the Secretary of State in Council of India," and every such Account shall be a public Account.

Stock standing in the Name of the Company transferred.

XLVI. Such Government Stock or Stocks as at the Time of the Commencement of this Act may be standing in the Name of the East India Company in the Books of the said Governor and Company shall be transferred by the Chief Cashier or the Chief Accountant of the said Governor and Company to the proper Account or Accounts to be raised as aforesaid.

Power to grant Letter of Attorney for Sale, &c. of Stock and Receipt of Dividends.

XLVII. The Secretary of State in Council, by Letter of Attorney, executed by Three Members of the Council, and countersigned by ~~One of the Secretaries or Assistant Secretaries of the Council~~ *the Secretary of State or One of his Under Secretaries*, may authorize all or any of the Cashiers of the Bank of England to sell and transfer all or any Part of the Stock or Stocks standing or that may thereafter stand in the Books of the said Bank to the several Accounts of the Secretary of State in Council, and to purchase and accept Stock on the said Accounts, and to receive the Dividends due and to become due on the several Stocks standing or that may thereafter stand on the said Accounts, and by any Writing signed by Three Members of the Council, and countersigned as aforesaid, may direct the Application of the Monies to be received in respect of such Sales and Dividends, but no Stock shall be purchased or sold and transferred by any of the said Cashiers under the Authority of such General Letter of Attorney, except upon an Order in Writing directed to the said Chief Cashier and Chief Accountant from Time to Time, and duly signed and countersigned as aforesaid.

Provision as to Exchequer Bills and like Securities.

XLVIII. All Exchequer Bills, Exchequer Bonds, or other Government Securities, or other Securities, of whatsoever Kind, not hereinbefore referred to, which shall be held by the Governor and Company of the Bank of England in trust for or on account of the East India Company at the Time of the Commencement of this Act, shall thenceforward be held by the said Governor and Company in trust for and on account of the Secretary of State in Council; and all such Securities as aforesaid, and all such Securities as may thereafter be lodged with

with the said Governor and Company by or on behalf of the Secretary of State in Council, shall and may be disposed of and the Proceeds thereof applied as may be authorized by Order in Writing signed by Three Members of the Council, and countersigned by ~~One of the Secretaries or Assistant Secretaries of the Council~~ *the Secretary of State or One of his Under Secretaries*, and directed to the said Chief Cashier and Chief Accountant.

Powers of borrowing vested in the Company transferred to Secretary of State in Council.

XLIX. All Powers of issuing Bonds, Debentures, and other Securities for Money in Great Britain which, if this Act had not been passed, might have been exercised by the said Company, or the Court of Directors, under the Direction and Control of the Commissioners for the Affairs of India, or otherwise, shall and may be exercised by the Secretary of State in Council, with the Concurrence of a Majority of ~~Members present~~ *Votes at a Meeting;* and such Securities as might have been issued under the Seal of the said Company shall be issued under the Hands of Three Members of the Council, and countersigned by ~~One of their Secretaries or Assistant Secretaries~~ *the Secretary of State or One of his Under Secretaries.*

Forgery to be punishable as Forgery of East India Bonds.

L. All Provisions now in force in anywise relating to the Offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any East India Bond, with Intent to defraud, shall extend and be applicable to and in respect of any Bond, Debenture, or Security issued by the Secretary of State in Council of India under the Authority of this Act.

Present System of issuing Warrants for Payments to be continued.

LI. The Regulations and Practice now acted on by the Court of Directors on the Issue of Warrants or Authorities for the Payment of Money shall be maintained and acted on by the Secretary of State in Council of India under this Act until the same be altered by the Authority of Her Majesty in Council: Provided, that where a Warrant or Authority for the Payment of Money passes through the Audit Department *at the East India House* before Payment, it shall be countersigned by such Officer or Officers of ~~the~~ *that* Audit Department as the Secretary of State in Council may direct before Payment shall be made; and that Warrants or Authorities which have heretofore been signed by Two Directors of the East India Company shall, after the Commencement of this Act, be signed by Three Members of the Council of India.

Audit of Accounts in Great Britain.

LII. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to appoint from Time to Time a fit Person to be Auditor of the Accounts of the Secretary of State in Council, and to authorize such Auditor to appoint and remove from Time to Time such Assistants as may be specified in such Warrant; and every such

Auditor shall hold Office during good Behaviour; and there shall be paid to such Auditor and Assistants *out of the Revenues of India* such respective Salaries as Her Majesty, by Warrant as aforesaid countersigned as aforesaid, may direct; and such Auditor shall examine and audit the Accounts of the Receipt, Expenditure, and Disposal in Great Britain of all Monies, Stores, and Property applicable for the Purposes of this Act; and the Secretary of State in Council shall by the Officers and Servants of the Establishment produce and lay before such Auditor from Time to Time all such Accounts, accompanied by proper Vouchers for the Support of the same, and shall submit to his Inspection all Books, Papers, and Writings having relation thereto; and such Auditor shall have Power to examine all such Officers and Servants in Great Britain of the Establishment as he may see fit in relation to such Accounts, and the Receipt, Expenditure, or Disposal of such Monies, Stores, and Property, and for that Purpose, by Writing under his Hand, to summon before him any such Officer or Servant; and such Auditor shall report from Time to Time to the Secretary of State in Council his Approval or Disapproval of such Accounts, with such Remarks and Observations in relation thereto as he may think fit, *specially noting any Case, if such there shall be, in which it shall appear to him that any Money arising out of the Revenues of India has been appropriated to other Purposes than those of the Government of India to which alone they are declared to be applicable;* and shall specify in detail in his Reports all Sums of Money, Stores, and Property which ought to be accounted for, and are not brought into account or have not been appropriated, in conformity with the Provisions of this Act, or have been expended or disposed of without due Authority, and shall also specify any Defects, Inaccuracies, or Irregularities which may appear in such Accounts, or in the Authorities, Vouchers, or Documents having relation thereto; and all such Reports shall be laid before both Houses of Parliament *by such Auditor*, together with the Accounts of the Year to which the same may relate.

Accounts to be annually laid before Parliament.

LIII. The Secretary of State in Council shall, within the first Fourteen Days during which Parliament may be sitting next after the First Day of May in every Year, lay before both Houses of Parliament an Account for the ~~last~~ financial Year *preceding that last completed* of the annual Produce of the Revenues of India, distinguishing the same under the respective Heads thereof, at each of the several Presidencies or Governments, and of all the annual Receipts and Disbursements at Home and Abroad on account of the Government of India, distinguishing the same under the respective Heads thereof, together with the latest Estimate of the same for the ~~current~~ *last financial* Year, and also the Amount of the Debts chargeable on the Revenues of India, with the Rates of Interest they respectively carry, and the annual Amount of such Interest, the State of the Effects

Effects and Credits at each Presidency or Government, and in England or elsewhere, applicable to the Purposes of the Government of India, according to the latest Advices which have been received thereof, and also a List of the Establishment of the Secretary of State in Council, and the Salaries and Allowances payable in respect thereof; and if any new or increased Salaries or Pensions of Fifty Pounds a Year or upwards have been granted or created within any Year, the Particulars thereof shall be specially stated and explained at the Foot of the Account of such Year; *and such Account shall be accompanied by a Statement prepared from detailed Reports from each Presidency and District in India in such Form as shall best exhibit the moral and material Progress and Condition of India in each such Presidency.*

When Order to commence Hostilities is sent to India, the Fact to be communicated to Parliament.

LIV. When any Order is sent to India directing the actual Commencement of Hostilities by Her Majesty's Forces in India, the Fact of such Order having been sent shall be communicated to both Houses of Parliament within ~~One Month~~ *Three Months* after the sending of such Order, if Parliament be sitting, *unless such Order shall have been in the meantime revoked or suspended*, and if Parliament be not sitting then within One Month after the next Meeting of Parliament.

Except for repelling Invasion, the Revenues of India not applicable for any Military Operation beyond the Frontiers.

LV. Except for *preventing or* repelling actual Invasion *of Her Majesty's Indian Possessions*, or under other sudden and urgent Necessity, ~~Her Majesty's Forces maintained out of~~ the Revenues of ~~the East Indies~~ *India* shall not, ~~be employed in~~ *without the Consent of both Houses of Parliament, be applicable to defray the Expenses of* any Military Operation *carried on* beyond the external ~~Frontier of Her Majesty's Indian~~ *Frontiers of such* Possessions ~~without the Consent of Parliament to the Purposes thereof~~ *by Her Majesty's Forces charged upon such Revenues.*

Existing Establishments.

Indian Military and Naval Forces to remain under existing Conditions of Service.

LVI. The Military and Naval Forces of the East India Company shall be deemed to be the Indian Military and Naval Forces of Her Majesty, and shall be under the same Obligations to serve Her Majesty as they would have been under to serve the said Company, and shall be liable to serve within the same territorial Limits only, for the same Terms only, and be entitled to the like Pay, Pensions, Allowances, and Privileges, and the like Advantages as regards Promotion and otherwise, as if they had continued in the Service of the said Company: Such Forces, and all Persons hereafter enlisting in or entering the same, shall continue and be subject to all Acts of Parliament, Laws of the Governor General of India in Council, and Articles of War, and all other Laws, Regulations, and Provisions relating to the East India Company's Military and Naval Forces respectively, as if Her Majesty's Indian Military and Naval Forces

respectively had throughout such Acts, Laws, Articles, Regulations, and Provisions been mentioned or referred to, instead of such Forces of the said Company; and the Pay and Expenses of and incident to Her Majesty's Indian Military and Naval Forces shall be defrayed out of the Revenues of India.

Provision for Persons hereafter entering Her Majesty's Indian Forces.

LVII. Provided, That it shall be lawful for Her Majesty from Time to Time by Order in Council to alter or regulate the Terms and Conditions of Service under which Persons hereafter entering Her Majesty's Indian Forces shall be commissioned, enlisted, or entered to serve, and the Forms of Attestation and of the Oath or Declaration to be used and taken or made respectively on attesting Persons to serve in Her Majesty's Indian Forces shall be such as Her Majesty with regard to the European Forces, and the Governor General of India in Council with regard to the Native Forces, shall from Time to Time direct: Provided, that every such Order in Council shall be laid before both Houses of Parliament within Fourteen Days after the making thereof, if Parliament be sitting, and if Parliament be not sitting, then within Fourteen Days after the next Meeting thereof.

Servants of the Company to be deemed Servants of Her Majesty.

LVIII. All Persons who at the Time of the Commencement of this Act shall hold any Offices, Employments, or Commissions whatever under the said Company in India shall thenceforth be deemed to hold such Offices, Employments, and Commissions under Her Majesty as if they had been appointed under this Act, and shall be paid out of the Revenues of India; and the Transfer of any Person to the Service of Her Majesty shall be deemed to be a Continuance of his previous Service, and shall not prejudice any Claims to Pension, or any Claims on the various Annuity Funds of the several Presidencies in India, which he might have had if this Act had not been passed.

All Orders of the Court of Directors or Board of Control to remain in force.

LIX. All Orders, Regulations, and Directions lawfully given or made before the Commencement of this Act by the Court of Directors or by the Commissioners for the Affairs of India shall remain in force; but the same shall, from and after the Commencement of this Act, be deemed to be the Orders, Regulations, and Directions under this Act, and take effect and be construed and be subject to Alteration or Revocation accordingly.

Cesser of Appointments and Functions of Directors, &c.

LX. All Functions and Powers of Courts of Proprietors and Courts of Directors of the said Company in relation to the Government of India, and all Appointments of such of the Directors of the said Company as have been appointed by Her Majesty, shall cease, and the yearly Sums payable to the Chairman, Deputy Chairman, and other Directors of the said Company shall cease to be payable,

payable, and all Powers vested in Her Majesty of appointing Directors of the said Company shall cease and determine.

Board of Control abolished.

LXI. The Appointments and Powers of Appointment of Commissioners for the Affairs of India shall cease and determine.

Records of the Company to be delivered to Council.

LXII. All Books, Records, and Archives of the said Company, except such Books and Documents as concern the Ownership of Shares in the Capital Stock of the said Company, and the Payments to the Proprietors of such Capital Stock of their respective Shares of the Dividend thereon, shall be delivered into the Care and Custody of the Secretary of State in Council as they may direct.

Inserted by the Lords.

A Person succeeding to the Office of Governor General may exercise his Powers before he takes his Seat in Council.

Clause (A.) In case the Person who shall be entitled under any provisional Appointment to succeed to the Office of Governor General of India upon a Vacancy therein, or who shall be appointed absolutely to assume that Office, shall be in India (upon or after the happening of the Vacancy, or upon or after the Receipt of such absolute Appointment, as the Case may require), but shall be absent from Fort William in Bengal, or from the Place where the Council of the Governor General of India may then be, and it shall appear to him necessary to exercise the Powers of Governor General before he shall have taken his Seat in Council, it shall be lawful for him to make known by Proclamation his Appointment, and his Intention to assume the said Office of Governor General, and after such Proclamation, and thenceforth until he shall repair to Fort William or the Place where the Council may assemble, it shall be lawful for him to exercise alone all or any of the Powers which might be exercised by the Governor General in Council, except the Power of making Laws and Regulations; and all Acts done in the Exercise of the said Powers, except as aforesaid, shall be of the same Force and Effect as if they had been done by the Governor General in Council; provided that all Acts done in the said Council after the Date of such Proclamation, but before the Communication thereof to such Council, shall be valid, subject nevertheless to Revocation or Alteration by the Person who shall have so assumed the said Office of Governor General; and when the Office of Governor General is assumed under the foregoing Provision, if there be at any Time before the Governor General takes his Seat in Council no Vice-President of the Council authorized to preside at Meetings for making Laws and Regulations (as provided by Section Twenty-two of the Act of the Sixteenth and Seventeenth Years of Her Majesty), the senior ordinary Member of Council then present shall preside therein, with the same Powers as if a Vice-President had been appointed and were absent.

Continuance of existing Enactments.

Existing Provisions to be applicable to Secretary of State in Council, &c.

LXIII. All Acts and Provisions now in force under Charter or otherwise concerning India shall, subject to the Provisions of this Act, continue in force, and be construed as referring to the Secretary of State in Council in the Place of the said Company and the Court of Directors and Court of Proprietors thereof, and all Enactments applicable to the Officers and Servants of the said Company in India, and to Appointments to Office or Admissions to Service by the said Court of Directors, shall, subject to the Provisions of this Act, remain applicable to the Officers and Servants continued and to the Officers and Servants appointed or employed in India, and to Appointments to Office and Admissions to Service under the Authority of this Act.

Actions and Contracts.

Secretary of State in Council may sue and be sued.

LXIV. The Secretary of State in Council shall and may sue and be sued as well in India as in England by the Name of the Secretary of State in Council as a Body Corporate; and all Persons and Bodies Politic shall and may have and take the same Suits, Remedies, and Proceedings, legal and equitable, against the Secretary of State in Council of India as they could have done against the said Company; and the Property and Effects hereby vested in Her Majesty for the Purposes of the Government of India, or acquired for the said Purposes, shall be subject and liable to the same Judgments and Executions as they would while vested in the said Company have been liable to in respect of Debts and Liabilities lawfully contracted and incurred by the said Company.

Secretary of State in Council to come in the Place of the Company with regard to pending Suits, &c.

LXV. The Secretary of State in Council shall, with respect to all Actions, Suits, and all Proceedings by or against the said Company pending at the Time of the Commencement of this Act, come in the Place of the said Company, and that without the Necessity of substituting the Name of the Secretary of State in Council for that of the said Company.

Contracts, &c., of the Company may be enforced by and against Secretary of State in Council.

LXVI. All *Treaties made by the said Company shall be binding on Her Majesty, and all* Contracts, Covenants, Liabilities, and Engagements of the said Company made, incurred, or entered into before the Commencement of this Act may be enforced by and against the Secretary of State in Council in like Manner and in the same Courts as they might have been by and against the said Company if this Act had not been passed.

Members of Council not personally liable.

LXVII. Neither the Secretary of State nor any Member of the Council shall be personally liable in respect of any such Contract, Covenant,

Covenant, or Engagement of the said Company as aforesaid, or in respect of any Contract entered into under the Authority of this Act, or other Liability of the said Secretary of State or Secretary of State in Council in their official Capacity; but all such Liabilities, and all Costs and Damages in respect thereof, shall be satisfied and paid out of the Revenues of India.

Inserted by the Lords.

CLAUSE (B.) After the Commencement of this Act such of the Directors as have been elected by the General Court of the said Company, or who shall from Time to Time be so elected, shall be the Directors of the said Company, and the major Part of such Directors for the Time being shall form a Court of Directors; and where the Presence, Signature, Consent, or Concurrence of Ten Directors is now requisite, the Presence, Signature, Consent, or Concurrence of the major Part of the Directors for the Time being shall be sufficient; and to the Intent that the Number of Directors may be reduced to Six, Two Directors only shall be elected by the General Court of the said Company at each biennial Election to fill the Vacancies occasioned by the Expiration of the Term of Office of Directors; and so much of the said Act of the Sixteenth and Seventeenth Years of Her Majesty as requires any of the Directors to be Persons who have resided Ten Years in India shall be repealed, and in the Oath to be taken by a Director of the said Company, under Section Thirteen of the said Act, the Words "in the Administration of the "Government of India in trust for the Crown" shall be omitted.

The elected Directors alone to be the Directors of the Company, and to be reduced.

CLAUSE (C.) It shall no longer be obligatory on the Directors to summon Four General Quarterly Courts in every Year as heretofore.

Not obligatory on Directors to summon Quarterly Courts.

CLAUSE (D.) Except Claims of Mortgagees of the Security Fund herein-before mentioned, the said Company shall not, after the passing of this Act, be liable in respect of any Claim, Demand, or Liability which has arisen or may hereafter arise out of any Treaty, Covenant, Contract, Grant, Engagement, or Fiduciary Obligation made, incurred, or entered into by the said Company before the passing of this Act, whether the said Company would, but for this Act, have been bound to satisfy such Claim, Demand, or Liability out of the Revenues of India, or in any other Manner whatsoever.

Company not to be liable in respect of any Claim arising out of any Covenant, &c. made before the passing of this Act.

Saving of certain Rights of the Company.

LXVIII. It shall be lawful for the Secretary of State in Council to pay to the said Company out of the Revenues of India such annual Sum as Her Majesty, by Warrant under Her Royal Sign Manual, countersigned

Payment of Expenses of the Company in

respect of their Capital Stock and Dividend.

countersigned by the Chancellor of the Exchequer, may direct for defraying the Expenses of and incident to the Payment to the Proprietors of the Capital Stock of the said Company of their respective Shares of the Dividend on such Stock, and of keeping the Books of the said Company for Transfers, and otherwise in relation to such Stock.

Saving of the Rights of the Company in respect of their Dividend and Security Fund.

LXIX. Nothing herein contained shall affect the Preference secured by the said Act of the Third and Fourth Years of King William the Fourth to the Dividend on the Capital Stock of the said Company or the Right of the said Company to demand the Redemption of the said Dividend secured by such Act; and all the Provisions of the said Act concerning the Security Fund thereby created shall remain in force, save that when the Approbation of the Commissioners for the Affairs of India is required in relation to the Disposal of the said Security Fund, the Approbation of the Secretary of State in Council shall be required.

Commencement of the Act.

Commencement of Act.

LXX. Save as herein otherwise provided, this Act shall commence and take effect on the Expiration of Thirty Days after the Day of the passing thereof.

Provision as to Proceedings in India before the Act is proclaimed there.

LXXI. This Act shall be proclaimed in the several Presidencies and Governments of India as soon as conveniently may be after such Act has been received by the Governor General of India; and until such Proclamation be made all Acts, Matters, and Things done, ordered, directed, or authorized in India in the Name of the East India Company, or otherwise in relation to the Government of India, shall be as valid and effectual as if this Act had not been passed.

Government of India.

(No. 3.)

A

BILL

[AS AMENDED BY THE LORDS]

INTITULED

An Act for the better Government of India.

Ordered, by The House of Commons, *to be Printed,* 26 *July* 1858.

[Bill 200.]
240

Under 4 *oz.*

Government of India Bill (No. 3).

LORDS REASONS

FOR INSISTING ON

CERTAIN OF THEIR AMENDMENTS

TO THE

GOVERNMENT OF INDIA BILL

TO WHICH THE COMMONS HAVE DISAGREED.

The Lords insist upon their Amendments in Page 11. Line 6., for the following Reason:—

Because it is a Principle universally recognised that Appointments to and Promotion in the Military Service of the Country should proceed directly from the Authority of the Crown; and it appears to be a Violation of this Principle to prescribe such Rules, by Authority of Parliament, as absolutely to fetter the Discretion of the Crown in the Exercise of this Prerogative; which, moreover, is distinctly admitted and confirmed by the Terms of the 33d Clause of this Bill.

The Lords insist upon their Amendment in Page 17. Line 8., for the following Reason:—

Because they believe that the Objections of the House of Commons are founded on a Misunderstanding of the Clause; and they have inserted an Amendment in the Clause which they believe will remove that Misunderstanding. The said Amendment being to insert in the original Bill the Words ("at the End "of such Three Months") after the Word ("sitting") in Page 17. Line 9.

With the preceding Exceptions, the Lords do not insist on their Amendments to which the Commons disagree.

[Bill 242.]

Government of India Bill (No. 3).

LORDS REASONS

FOR INSISTING ON

CERTAIN OF THEIR AMENDMENTS

TO THE

GOVERNMENT OF INDIA BILL

TO WHICH THE COMMONS HAVE DISAGREED.

Ordered, by The House of Commons, *to be Printed*,
29 *July* 1858.

[Bill 242.]

Under 1 *oz.*

A

B I L L

TO

Provide, until the Thirty-first Day of December (One thousand eight hundred and sixty-two), for the Government of New Caledonia.

WHEREAS divers of Her Majesty's Subjects and others have, by the Licence and Consent of Her Majesty, resorted to and settled on certain wild and unoccupied Territories on the North-west Coast of North America, commonly known by the Designation of New Caledonia, and the Islands adjacent, for Mining and other Purposes; and it is desirable to make some temporary Provision for the Civil Government of such Territories until permanent Settlements shall be thereupon established, and the Number of Colonists increased: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. New Caledonia shall, for the Purposes of this Act, be held to comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Frontier of the United States of America, to the East by the Watershed between the Streams which flow into the Pacific Ocean and those which flow into the Atlantic and Icy Oceans, to the North by the Fifty-fifth Parallel of North Latitude, Boundaries of New Caledonia.

Latitude, and to the West by the Pacific Ocean; and shall include Queen Charlotte's Island, and all other Islands adjacent to the said Territories, except as herein-after excepted.

Her Majesty by Order in Council may make or provide for the making of Laws for the Government of Her Majesty's Subjects and others in New Caledonia.

II. It shall be lawful for Her Majesty, by any Order or Orders to be by Her from Time to Time made, with the Advice of Her Privy Council, to make, ordain, and establish, and (subject to such Conditions or Restrictions as to Her shall seem meet) to authorize and empower such Officer as She may from Time to Time appoint to administer the Government of New Caledonia, to make Provision for the Administration of Justice therein, and generally to make, ordain, and establish all such Laws, Institutions, and Ordinances as may be necessary for the Peace, Order, and good Government of Her Majesty's Subjects and others therein; provided that all such Orders in Council, and all Laws and Ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and Enactment thereof respectively.

Her Majesty may establish a local Legislature in New Caledonia.

III. Provided always, That it shall be lawful for Her Majesty, so soon as She may deem it convenient, by any such Order in Council as aforesaid, to constitute or to authorize and empower such Officer to constitute a Legislature to make Laws for the Peace, Order, and good Government of New Caledonia, such Legislature to consist of the Governor and a Council, or Council and Assembly, to be composed of such and so many Persons, and to be appointed or elected in such Manner and in for such Periods, and subject to such Regulations, as to Her Majesty may seem expedient.

Repeal of certain Provisions of 43 G. 3. c. 138. and 1 & 2 G. 4. c. 66. as regards New Caledonia. s. 6.

IV. And whereas an Act was passed in the Forty-third Year of King George the Third, intituled "An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of North America adjoining to the said Provinces:" And whereas by an Act passed in the Second Year of King George the Fourth, intituled "An Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction, within certain Parts of North America," it was enacted, that from and after the passing of that Act the Courts of Judicature then existing or which might be thereafter established in the Province of Upper Canada should have the same Civil Jurisdiction, Power, and Authority, within the Indian Territories and other Parts of America not within the Limits of either of the Provinces of Lower or Upper Canada or of any Civil Government of the United States, as the said Courts had or were invested with within the Limits of the said Provinces of Lower or Upper Canada respectively, and that every

Contract,

Contract, Agreement, Debt, Liability, and Demand made, entered into, incurred, or arising within the said Indian Territories and other Parts of America, and every Wrong and Injury to the Person or to Property committed or done within the same, should be and be deemed to be of the same Nature, and be cognizable and be tried in the same Manner, and subject to the same Consequences in all respects, as if the same had been made, entered into, incurred, arisen, committed, or done within the said Province of Upper Canada; and in the same Act are contained Provisions for giving Force, Authority, and Effect within the said Indian Territories and other Parts of America to the Process and Acts of the said Courts of Upper Canada; and it was thereby also enacted, that it should be lawful for His Majesty, if He should deem it convenient so to do, to issue a Commission or Commissions to any Person or Persons to be and act as Justices of the Peace within such Parts of America as aforesaid, as well within any Territories theretofore granted to the Company of Adventurers of England trading to Hudson's Bay as within the Indian Territories of such other Parts of America as aforesaid; and it was further enacted, that it should be lawful for His Majesty from Time to Time by any Commission under the Great Seal to authorize and empower any such Persons so appointed Justices of the Peace as aforesaid to sit and hold Courts of Record for the Trial of Criminal Offences and Misdemeanors, and also of Civil Causes, and it should be lawful for His Majesty to order, direct, and authorize the Appointment of proper Officers to act in aid of such Courts and Justices within the Jurisdiction assigned to such Courts and Justices in any such Commission, provided that such Courts should not try any Offender upon any Charge or Indictment for any Felony made the Subject of Capital Punishment, or for any Offence or passing Sentence affecting the Life of any Offender, or adjudge or cause any Offender to suffer Capital Punishment or Transportation, or take cognizance of or try any Civil Action or Suit in which the Cause of such Suit or Action should exceed in Value the Amount or Sum of Two hundred Pounds, and in every Case of any Offence subjecting the Person committing the same to Capital Punishment or Transportation, the Court, or any Judge of any such Court, or any Justice or Justices of the Peace before whom any such Offender should be brought, should commit such Offender to safe Custody, and cause such Offender to be sent in such Custody for Trial in the Court of the Province of Upper Canada:

s. 10.

s. 11.

s. 12.

From and after the Proclamation of this Act in New Caledonia the said Act of the Forty-third Year of King George the Third, and the said recited Provisions of the said Act of the Second Year of King George the Fourth, and the Provisions contained in such Act for giving Force, Authority, and Effect within the Indian Territories

tories and other Parts of America to the Process and Acts of the said Courts of Upper Canada, shall cease to have force in and to be applicable to New Caledonia.

Appeal from Judgments in Civil Suits to the Privy Council.

V. Provided always, That all Judgments given in any Civil Suit in New Caledonia shall be subject to Appeal to Her Majesty in Council, in the Manner and subject to the Regulations in and subject to which Appeals are now brought from the Civil Courts of Canada, and to such further or other Regulations as Her Majesty, with the Advice of Her Privy Council, shall from Time to Time appoint.

Vancouver's Island not to be included in New Caledonia.

VI. No Part of the Colony of Vancouver's Island, as at present established, shall be comprised within New Caledonia for the Purpose of this Act; but it shall be lawful for Her Majesty, Her Heirs and Successors, on receiving at any Time during the Continuance of this Act a joint Address from the Two Houses of the Legislature of Vancouver's Island, praying for the Incorporation of that Island with New Caledonia, by Order to be made as aforesaid, with the Advice of Her Privy Council, to annex the said Island to New Caledonia, subject to such Conditions and Regulations as to Her Majesty shall seem expedient; and thereupon and from the Date of the Publication of such Order in the said Island, or such other Date as may be fixed in such Order, the Provisions of this Act shall be held to apply to Vancouver's Island.

Interpretation Clause.

VII. In the Construction of this Act the Term "Governor" shall mean the Person for the Time being lawfully administering the Government of New Caledonia.

Continuance of Act.

VIII. This Act shall continue in force until the Thirty-first Day of December One thousand eight hundred and sixty-two, and thenceforth to the End of the then next Session of Parliament.

Government of New Caledonia.

A

BILL

To provide, until the Thirty-first Day of December (One thousand eight hundred and sixty-two), for the Government of New Caledonia.

(Prepared and brought in by Sir Bulwer Lytton and Mr. Hamilton.)

Ordered, by The House of Commons, *to be Printed*, 1 *July* 1858.

[Bill 170.]

Under 1 *oz.*

Grand Juries (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 6 & 7 W. 4. c. 116.

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Interpretation of Terms; 3.

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When Work is given in charge to County Surveyor, Finance Committee to make Payments; 54.

Presentment for lowering Hills, filling up Hollows, building and repairing Bridges, &c. upon public Roads; 55.

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So much of Sect. 110. of 6 & 7 W. 4. c. 116. as fixes Salary of Secretaries of Grand Juries repealed; 57.

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Advances may be made to Contractors in certain Cases, not exceeding Three Fourths of the Cost of the Work; 61.

Compensation for malicious Injury. Notice of Injury to be given within Six Days to Churchwardens, &c. To be laid before Grand Jury, with Opinion of Sessions endorsed, and Presentment made or refused, &c.; 62.

Applications when and where to be made; 63.

Persons injured to give in Examinations upon Oath before a Justice within Three Days after Offence committed; 64.

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When General Valuation completed, Grand Jury Assessments to be assessed according to the final List of such Valuation; 75.

Tolls of Bridges, &c. liable to Poor Rates to be liable to Grand Jury Rates and County Cess; 76.

Applotment to be made by Secretary of Grand Jury; 77.

Secretary of Grand Jury to deliver Copy of Applotment to Collectors of County Cess, who shall pay Collections to Finance Committee. In Actions as to Assessments Applotment Book, &c. to be Evidence. Copies of Applotment Book to be furnished when required; 78.

Grand Jury to present Amount of Expenses of Applotment; 79.

Grand Jury may re-present Sums uncollected by reason of Change of Boundaries, &c.; 80.

No Proceedings for Arrears against Persons not primarily liable to be commenced after Two Years; 81.

Grand Juries may divide Baronies for Purposes of Collection; 82.

Grand Jury may allow Poundage Rate for Collection not exceeding 1*s.* in the Pound; 83.

Grand Jury may accept more than Two Securities for Cess Collector; 84.

Rates not to be affected by Errors, &c. in Valuation; 85.

Personal Service of Notice requiring Payment to be deemed good Service; 86.

Penalty on Road Contractor, &c. cutting Sods, &c. to Injury of public Roads; 87.

Act to extend to Ireland only, and not to County or County of City of Dublin; 88.

SCHEDULES.

(Ireland.)

A

BILL

TO

Amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland.

WHEREAS an Act was passed in the Session holden in the Sixth and Seventh Years of the Reign of King William the Fourth, Chapter One hundred and sixteen, (herein-after called "The Grand Juries Act, 1836,") relating to the Present-ment of Public Money by Grand Juries in Ireland, and it is expedient that such Act, and certain other Acts herein-after mentioned, should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 6 & 7 W. 4. c. 116.

I. This Act may be cited for all Purposes as "The Grand Juries (Ireland) Act, 1858." Short Title of Act.

II. This Act shall commence and take effect from the *First Day of January One thousand eight hundred and fifty-nine.* Commencement of Act.

III. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms Interpretation of Terms:

shall have the respective Meanings herein-after assigned to them; that is to say, "The Lord Lieutenant" shall mean the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being; "Council" shall mean Her Majesty's Privy Council in Ireland; "Barony" shall mean and include Half Barony; "County" shall mean and include Riding, and also County of a City, or County of a Town; "Grand Jury" shall, as regards any Borough of which the Council is authorized by Law to make Presentments, be held to include such Council; and "County Rates" or "Rates" shall in respect of such Borough mean the Rates of the Borough; "applot" and "Applotment" shall include "assess" and "Assessment."

Recited Act and this Act to be construed as One Act.

IV. "The Grand Juries Act, 1836," and this Act, shall, so far as is inconsistent with the Context and Objects of such Acts, be construed as One Act.

Repeal of Acts.

V. From and after the *Commencement of this Act*, the Act and Parts of Acts set forth in the Schedule (A.) to this Act annexed, to the Extent to which such Act or Parts of Acts are by such Schedule expressed to be repealed, and every other Act or Acts and such Parts of every other Act or Acts as shall be inconsistent with this Act, shall be repealed, except so far as the said Acts or Parts of Acts repeal any former Act or Part of an Act, and except so far as relates to any Act, Matter, or Thing done under the said recited Acts or any of them before the Commencement of this Act, which shall remain valid and effectual to all Intents whatsoever, and except so far as may be necessary for the Purpose of supporting or continuing any Proceeding heretofore taken, and also except as to the Recovery and Application of any Penalty for any Offence which shall have been committed in respect to such Acts previous to the Commencement of this Act.

Grand Jury of each County shall appoint a County Committee.

VI. The Grand Jury of each County at the Spring Assizes held next after the *Commencement of this Act*, and at each succeeding Spring Assizes, shall appoint a County Committee, consisting of not more than *Twelve* nor less than *Seven* Persons resident within such County, being Members of such Grand Jury; and such Committee shall have full Power and Authority to execute and perform all such Matters and Things as they are by this Act authorized to do; and in Default of the Grand Jury at any Assizes so appointing a County Committee it shall be lawful for the Judges of Assize, or any of them, at such Assizes, and he or they are hereby required, to make such Appointment.

Meetings of County Committee.

VII. The County Committee shall hold their First Meeting in the County Court House, or at any other Court House of a Quarter Sessions

Sessions District within the County, at such Time as shall be fixed by the Grand Jury, whereof public Notice shall be given in such Manner as the Grand Jury shall appoint, and shall meet from Time to Time at such County or other Court House as they shall think proper and as Occasion shall require; and at all Meetings Three Members shall constitute a Quorum; and One of the Members present shall be appointed Chairman, and shall be entitled to vote upon all Questions, and in case of an equal Division of Votes upon any Subject such Chairman shall have an additional or casting Vote; and the Secretary of the Grand Jury shall attend the Meetings of the County Committee, and shall act as their Secretary, and make Minutes of their Proceedings, and render them such Assistance from Time to Time as they may direct.

The County Committee to appoint a Finance Committee.

VIII. Each County Committee shall, at their First Meeting held after their Appointment under the Provisions of this Act, and at their First Meeting held after the Spring Assizes in each succeeding Year, appoint a Sub-Committee consisting of not more than *Six* nor less than *Three* Persons, being Members of such County Committee, to be the Finance Committee of the County; and such Finance Committee shall have and exercise all such Powers and Authorities and be subject to all such Duties relating to the Receipts and Payments of Public Monies as were theretofore vested in and imposed upon the Treasurer of the County by "The Grand Juries Act, 1836," or any other Act or Acts, save as the same are altered by this Act; and all Monies received by such Finance Committee shall be paid into the Bank with which they shall have the public Account, and all Payments to be made by them shall be by a Draft upon such Bank, signed by Three Members of such Finance Committee, and countersigned by the Secretary of the Grand Jury; and any Act or Part of an Act in force at the Commencement of this Act relating to the Receipts and Payments of public Monies by the Treasurer of the County shall extend and apply to such Receipts and Payments by the Finance Committee, so far as the same are applicable to and not altered by the Provisions of this Act; and the Accounts of the Finance Committee shall be transmitted by the Secretary to the proper Officer, and shall be examined and audited in the same Manner and shall be subject to the same Regulations as the Accounts of County Treasurers under an Act passed in the First Year of the Reign of Her Majesty, Chapter Fifty-four, or any Act or Acts amending same.

Meetings of Finance Committee.

IX. The Finance Committee of each County shall hold their First Meeting at such Time and Place as shall be appointed by the Grand Jury, whereof public Notice shall be given in such Manner as shall be directed by the said Grand Jury, and shall meet from Time to

Time as they shall think proper and as Occasion shall require; and at all Meetings Three Members shall constitute a Quorum; and One of the Members present shall be appointed Chairman, and shall be entitled to vote on all Questions, and in case of an equal Division of Votes upon any Subject such Chairman shall have an additional or casting Vote.

County Committee shall consider and determine upon the Necessity of immediate Repairs of sudden Breaches, &c.

X. The County Committee shall consider and determine as to the Necessity for the immediate Repairs of sudden Breaches or Damages in Roads, Bridges, Gullets, Walls, or Buildings, which have happened so recently as not to admit of the proper Application having been made for such Repairs in the Manner provided by "The Grand Juries Act, 1836," or this Act, or in any Case where the County Surveyor shall report that the same cannot with Safety to the Public be delayed, and also as to the Necessity for the Repairs and Maintenance of Court Houses or Sessions Houses belonging to the County, or for providing Fuel or Light for the same; and the Finance Committee of the County shall out of any Monies in their Hands available to the general Purposes of the County advance to the County Surveyor, upon the Order of such County Committee, signed as aforesaid, such Sum as such County Committee shall certify to be necessary for such Repairs, to be accounted for at the next Assizes by such Surveyor, in the Manner required by "The Grand Juries Act, 1836," or this Act.

County Committee to report upon any Matter referred to them by the Grand Jury, or which they may think proper to report upon.

XI. The County Committee shall examine into and report upon any Accounts of Receipts and Expenditure in respect of Presentments, or upon any Claims made on such Grand Jury for Works or Services, or upon any other Matter which the Grand Jury of such County shall refer to them for such Purpose, or which such County Committee may think proper to examine into and report upon, although not so referred to them by such Grand Jury; and such Report shall be signed by the Chairman for the Time being of such County Committee and Two other Members thereof.

Office of Treasurer abolished.

XII. And whereas the Office of Treasurer of each County will become unnecessary upon the Appointment of a Finance Committee as herein provided, and it is expedient that such Office should be abolished: Be it therefore enacted, That from and after the Appointment of a Finance Committee in any such County, under the Provisions of this Act, the said Office shall be abolished.

Duties of Treasurer, except those hereby imposed on

XIII. From and after the Abolition of the Office of Treasurer, the Secretary of the Grand Jury of every County shall have and exercise all the Powers and Authorities and be subject to all the Duties heretofore

tofore vested in and imposed upon the Treasurer of such County by any Act or Acts then in force, save as respects such Powers and Authorities as are by this Act vested in the Finance Committee, or as are altered by or contrary to the Provisions of this Act.

Finance Committee, to be performed by Secretary of Grand Jury.

XIV. The Treasurer of every County whose Office shall be abolished under the Provisions of this Act shall be entitled to make a Claim for Compensation to the Grand Jury of such County, or to the County Committee, within *Six* Months after the Abolition of such Office; and it shall be lawful for such Grand Jury, in such Manner as they shall think fit, to inquire what was the Nature of the Office, and what was the Tenure thereof, and the Term or Interest which such Treasurer had therein, and of his Length of Service, and what was the Sum received by way of Salary or otherwise, after making all reasonable Allowances for Office Expenses or otherwise, in respect of which such Compensation should be allowed; and such Grand Jury in each Case shall award such gross or yearly Sum, and for such Time, as they shall think fit to be awarded, upon Consideration of the special Circumstances of each Case, not exceeding, in Cases where any such Treasurer shall have held his said Office for Twenty Years or upwards, the net annual Sum received by him by way of Salary or otherwise, after making such Allowances as aforesaid, and in all other Cases not exceeding *Two Thirds* of the yearly Salary which the Person making such Claim had been entitled to and had received at the Time of making such Claim as Treasurer of such County; and in case the Person preferring such Claim shall think himself aggrieved by the Determination of the Grand Jury thereon, it shall be lawful for him to appeal to the Lord Lieutenant in Council, who shall thereupon make such Order therein as to them shall seem just, and such Order shall be binding upon all Parties; and such Annuity or Sum awarded by such Grand Jury, or in case of Appeal by the Lord Lieutenant in Council, shall be presented by the Grand Jury of such County, without previous Application to Presentment Sessions, in equal Moieties, One at each Assizes, or otherwise as such Grand Jury, or in case of Appeal as the Lord Lieutenant in Council, may direct, and the same shall be paid to such Person accordingly: Provided always, that if the Person who shall have held the Office of Treasurer shall be appointed to any Office or Employment connected with the public Business of such County, the Payment of the Compensation awarded to him under this Act, so long as he shall continue to receive the Salary or Emoluments of such Office or Employment, shall be suspended, if the Amount of such Salary or Emoluments be equal to or greater than the Amount of such Compensation, or if not shall be diminished by the Amount of such Salary or Emoluments.

Treasurers may claim Compensation.

Lord Lieutenant to appoint a Board for the Examination of Candidates for County Surveyors.

XV. The Lord Lieutenant may at any Time appoint a Board, to consist of One Civil Engineer, One County Surveyor, and One Person to be selected for his general scientific Knowledge, who shall from Time to Time, as the Lord Lieutenant shall direct, meet in Dublin, to examine into and certify the Qualifications of Persons desirous to act as Surveyors of any County in Ireland, under the Provisions of "The Grand Juries Act, 1836," and this Act, when any Vacancy shall arise in such Office, and may from Time to Time change the Persons of which such Board shall be comprised as he shall think fit; and it shall be lawful for such Board, subject to the Approval of the Lord Lieutenant, to make such Rules, Orders, and Regulations as to Character and Age and otherwise as shall appear to them expedient for carrying into effect the Objects of having a competitive Examination held by such Board of Persons who may offer themselves as Candidates for such Office; and such Rules, Orders, and Regulations shall prescribe the Subjects of Examination for the Office of County Surveyor; and Notice shall be given of the Time at which such Examination shall be held, and of the Places where printed Statements of the Subjects of such Examination may be obtained, and of the Number of Vacancies in the said Office to be filled up, *Three* Months at the least before such Examination; and such Notice shall be inserted in the Dublin Gazette; and each Member of such Board shall receive such Remuneration for his Attendance at each Examination as the Lord Lieutenant shall think fit and direct: Provided always, that no Person who is or has been within Five Years previously to such Examination a Pupil of any of the Persons of which such Board of Examiners is for the Time being composed shall be eligible for or admitted to such Examination.

The Member of Board who shall be a County Surveyor shall examine and certify Qualifications of Assistant Surveyors.

XVI. The Member of the Board of Examiners for the Time being who shall be a County Surveyor shall from Time to Time, when required so to do by the Lord Lieutenant, examine into the Qualifications of any Person who shall be nominated by any County Surveyor to be an Assistant Surveyor under "The Grand Juries Act, 1836," or this Act; and in case such Examiner shall find such Person to be fit and competent to discharge the Duties of such Office, he shall give a Certificate of Qualification to such Person; and such Examiner shall, subject to the Approval of the Lord Lieutenant, prescribe the Subjects of Examination for Assistant Surveyors; and the Under Secretary of the Lord Lieutenant shall supply printed Statements of the Subjects of such Examination to any Person who may be nominated by any County Surveyor for such Office.

Expenses of Board to be defrayed by

XVII. It shall be lawful for the Lord Lieutenant to apportion the Amount of any Expenses incurred in any Year in respect of such Examinations,

Examinations, or in printing the Statements of the Subjects of such Examinations, or otherwise, between the several Counties in Ireland, as to him shall seem just; and it shall be lawful for the Grand Jury of each such County, and they are hereby required, upon the Production of the Certificate of the Chief Secretary or Under Secretary of the Lord Lieutenant for the Time being of the Proportion of the Amount of such Expenses to be paid by such County as aforesaid, to present (without previous Application to Presentment Sessions), to be raised off the County at large, the Amount of such Expenses so certified to be payable by such County, and the same, when levied, shall be paid over in such Manner and to such Bank or Person as such Chief or Under Secretary shall direct.

Grand Jury Presentment.

XVIII. In case any Vacancy shall arise in the Office of County Surveyor, the Lord Lieutenant shall appoint as Successor to such Surveyor the Person who shall be certified by the Board of Examiners to be best qualified to fill such Office; and any County Surveyor already appointed or who shall be hereafter appointed may be removed by the Lord Lieutenant from County to County, as to him shall seem expedient, and may be suspended or dismissed by the Lord Lieutenant, or by the Grand Jury of the County, subject to the Approval of the Lord Lieutenant; provided that in case of Indisposition or other unavoidable Cause, proved on Oath to the Satisfaction of the Grand Jury or any Three Justices of the Peace, such County Surveyor may depute such other Person as the Grand Jury may approve of to act for him, and such Deputy shall be removable in like Manner as his Principal.

Any Vacancy in the Office of County Surveyor to be filled up by the Lord Lieutenant out of Persons certified to be best qualified.

XIX. The County Surveyors appointed or to be appointed under "The Grand Juries Act, 1836," or this Act, shall, from and after the Assizes which shall be held next after *the Commencement of this Act*, be paid and remunerated for their respective Duties, Services, and Expenses by annual Salaries only, payable half-yearly at each Assizes by equal Moieties, and not exceeding the Amount mentioned in the Schedule (B.) to this Act annexed; and each Grand Jury is hereby authorized and required to fix the Amount of such Salary for its own proper County, and at each Assizes to present, without previous Application to Presentment Sessions, for each such County Surveyor to be raised off the County at large, the Moiety of such annual Salary for the Half Year last past, and Payment of the same shall be made by the Finance Committee of the County at the Assizes at which such Presentment is made, by a Draft upon the Bank with which they shall have the public Account, in favour of such County Surveyor, and the remaining Moiety of such annual Salary shall in like Manner be paid by a Draft on such Banks at the next succeeding Assizes, which Drafts shall be paid by such Bank, if drawn in the Manner by this Act directed, and the Amount thereof shall be replaced by the Monies

Salaries of County Surveyors.

raised and levied under the said Presentments: Provided always, that in case of any negligent or insufficient Discharge of Duty by any such County Surveyor, it shall be lawful for any Grand Jury, with the express Sanction of the Court, but not otherwise, to direct the Salary of the Surveyor so neglecting his Duty or misconducting himself to be withheld; and such Grand Jury shall report such Neglect or Misconduct to the Lord Lieutenant; and if such Surveyor shall be upon such Report, or at any Time or in any other Manner or for any other Reason, dismissed from his Office, he shall forfeit, at the Discretion of the Lord Lieutenant, the whole or any Part of the Arrears of Salary due to him, and the same shall be applicable to the general Purposes of the County, in like Manner as other Monies from Time to Time levied off such County and arising in the Hands of such Finance Committee.

Grand Jury, with Approval of Lord Lieutenant, may superannuate County Surveyors.

XX. In case the Surveyor of any County in Ireland shall become incapable, from Age, Infirmity of Mind or Body, or otherwise, to discharge the Duties of his Office, it shall be lawful for the Grand Jury of the County, if they shall so think fit, with the Approval of the Lord Lieutenant, to direct that such County Surveyor shall be superannuated, and shall receive such yearly Superannuation Pension as, upon Consideration of all the Circumstances of such Case, shall appear to be just, not exceeding the following Proportions with reference to the Amount of the Salary of such County Surveyor, and the Period of his Service; that is to say, to a Surveyor of any County who shall have served Ten Years and upwards and under Seventeen Years therein, an annual Allowance not exceeding in Amount *Three Twelfths* of the Salary and Emoluments of his Office; for Seventeen Years' Service and upwards and under Twenty-four Years, not exceeding *Four Twelfths* of such Salary and Emoluments; for Twenty-four Years Service and upwards and under Thirty-one Years, not exceeding *Five Twelfths* of such Salary and Emoluments; for Thirty-one Years and upwards and under Thirty-eight Years, not exceeding *Six Twelfths* of such Salary and Emoluments; for Thirty-eight Years and upwards and under Forty-five Years, not exceeding *Seven Twelfths* of such Salary and Emoluments; and for Forty-five Years and upwards, not exceeding *Eight Twelfths* of such Salary and Emoluments; and such Grand Jury at each Assizes shall present (without Application to Presentment Sessions) for each County Surveyor so superannuated, to be raised off the County at large, the Moiety of such Superannuation Pension for the Half Year last past, and Payment of the same shall be made in the like Manner as the Payment of the Salaries of County Surveyors are directed to be made under the Provisions of this Act, and the same shall be replaced in the Bank in like Manner by the Monies raised and levied under the said Presentments.

XXI. The

Surveyors to keep an Office open, and appoint a Clerk and also Assistant Surveyors.

XXI. The Surveyor of each County shall keep an Office open for the regular Attendance on Business in such Place as the Grand Jury shall appoint, and which they are hereby required to appoint; and each such Surveyor shall employ One fit and competent Person to be a Clerk in such Office, who shall give regular Attendance therein, and for whose Conduct such Surveyor shall be at all Times responsible; and such Grand Jury shall present, over and above the Salary payable to such Surveyor, a Sum not exceeding *Fifty Pounds* in each Year, to defray the Expense of such Office, and to pay the Salary of such Clerk, a Moiety whereof the said Grand Jury shall present at each Assizes for the Half Year last past, and Payment of the same shall be made in the like Manner as the Payment of the Salary to such Surveyor is directed to be made under the Provisions of this Act, and the same shall be replaced in the Bank in like Manner by the Monies raised and levied under the said Presentments, subject always to the Provisions herein-before contained with respect to the Payment of the Salary of the said Surveyor; and it shall be lawful for every Surveyor to appoint so many Persons as the Grand Jury shall, with reference to the Extent of the County and of the Duties to be performed, think necessary, to be Assistants to such Surveyor; and each of such Assistants and any Assistant appointed under the Provisions of "The Grand Juries Act, 1836," shall be paid such Salary, not exceeding *Eighty Pounds* per Annum, as the Grand Jury shall direct, which shall be presented by the Grand Jury at each Assizes for the Half Year last past, to be paid in the Manner herein-before mentioned with respect to the Salary of the County Surveyor; provided always, that no Person shall be appointed such Assistant who shall not be certified to be a fit and competent Person to discharge the Duties of such Office in the Manner herein-before mentioned; and every such Assistant shall obey the Orders of such Surveyor, and be removable in the same Manner as the Surveyor himself is.

Grand Jury to divide County into Road Districts.

XXII. It shall be lawful for the Grand Jury of any County at any Assizes to divide such County into as many Road Districts as they shall think fit, or to alter from Time to Time any such Districts; and such Grand Jury may thereupon declare and define by Presentment the Boundary of each such District, and set forth the Townlands or Denominations to be contained therein, and the Presentment for such Division or Alteration of Division of the County, which shall be laid before the Court, and fiated with the other Presentments; and from and after the fiating of such Presentment the several Districts to be formed shall be and constitute the Road Districts respectively of the said County for the Purpose of being superintended by the Assistant Surveyor in the Manner herein-after mentioned.

One Assistant Surveyor to be appointed for each Road District.

XXIII. When any County shall be divided into Road Districts, under the Provisions of this Act, the County Surveyor shall, subject to the Approval of the Grand Jury, appoint One of such Assistant Surveyors for each Road District; and such Assistant Surveyor shall carry into effect all Matters and Things which may be required of him or given to him in charge by the County Surveyor; and such County Surveyor may remove such Assistant Surveyor from District to District within the County as to him shall seem expedient.

Justices to hold Presentment Sessions at the Times and Places appointed by the Grand Jury.

XXIV. From and after the *Commencement of this Act*, it shall be lawful for every Justice of the Peace residing in any Barony or Half Barony, and acting for the County in which he resides, and also for every other Justice of the Peace acting for such County not resident in any such Barony or Half Barony, who shall be seised of or entitled to, for his own Use and Benefit, any Lands, Tenements, or Hereditaments situate in such Barony or Half Barony, or in the Rents and Profits thereof, for any Life or Lives in being, or for any Term of Fifteen Years at the least, such an Estate being of the clear yearly Value of at least *One hundred Pounds* over and above any Head Rent payable in respect thereof, and every Person being a Justice of the Peace acting for said County, and also an Agent or Receiver of Rents of any Estate in any such Barony or Half Barony valued in the General Valuation of rateable Property at *Five hundred Pounds* per Annum or upwards, and every Justice of the Peace in and for any County of a City, County of a Town or City, and County in Ireland, not being a Stipendiary Magistrate, to attend, and all such Justices are hereby required to assemble, from Time to Time, and, with the Cess-payers associated with them as herein-after appointed, to hold a Special or Presentment Sessions for the Purposes of the Grand Juries Act, 1836, and of this Act, in such Place or Places and at such Time or Times within any and every such County as the Grand Jury of the same shall have appointed, pursuant to the Provisions of the Grand Juries Act, 1836, and of this Act.

Grand Juries at Assizes to fix Times and Places for Presentment Sessions;

XXV. The several Grand Juries in every County in Ireland shall at every Assizes appoint by Presentment certain Places within their respective Counties (that is to say, One for each Barony or Half Barony,) where and certain Times when Presentment Sessions shall be successively holden previous to the next Assizes for such Counties respectively, for the Purposes of "The Grand Juries Act, 1836," and this Act, as herein-after set forth; and such Presentment shall appoint the Hours of the Day between which such Sessions shall be respectively holden, and such Presentment shall appoint the last Meeting of such Sessions to be holden in the County Court House; and it shall also be lawful for the Grand Jury at every such Assizes to direct by

and may direct what Number of

Presentment

Presentment what Number of Copies of the Schedules of the Applications to be made at each such Sessions shall be printed and distributed by the Secretary of the Grand Jury.

Copies of Applications shall be printed and distributed.

XXVI. The Grand Jury for each County of a City or County of a Town shall appoint One such Presentment Sessions to be holden in the same for the Purposes aforesaid, and all Applications for Works the Expenses whereof are to be levied off such County or City of a Town shall be made thereat.

Only One such Sessions in Cities and Towns.

XXVII. Every Grand Jury as aforesaid shall, at the Spring Assizes which shall be held next after the *Commencement of this Act*, and at each succeeding Spring Assizes, fix and determine the Number of Cesspayers proper with reference to the Extent and Circumstances of each County of a City and County of a Town or Barony or Half Barony, not being less than the Number of Justices having Residences within such County of a City or County of a Town or Barony or Half Barony respectively, nor less in any Case than *Five*, such Cesspayers to be associated with the Justices at the Presentment Sessions to be holden therein for the Purposes of "The Grand Juries Act, 1836," and this Act.

Grand Jury to determine Number of Persons to be associated with Justices at Presentment Sessions.

XXVIII. The Persons to be associated with the Justices at the Presentment Sessions shall be elected by the Cesspayers in the Manner herein-after mentioned; that is to say, the Secretary of the Grand Jury of each County shall supply the High Constable of each Barony therein with such Number of Voting Papers as may be necessary in the Form set forth in Schedule (C.) to this Act annexed; and such High Constable shall send or cause to be sent, through the Post Office or otherwise, as such Secretary of the Grand Jury shall direct, One of such Voting Papers to every Male of full Age in actual Occupation of Lands, Tenements, or Hereditaments in each Barony or Half Barony of such County, or in any County of a City or County of a Town, who, not being in Holy Orders, nor any Minister of Religion, and not being a Justice of the Peace, shall have been charged with and shall have paid Grand Jury Rates or Cess for or in respect of any Lands actually occupied by him in any such Barony or Half Barony, or in any such County of a City or County of a Town, of the net annual Value of *Five Pounds* and upwards, such Voting Papers to be numbered according to the Number of the Cesspayers in the Applotment Book, and to be addressed to the Cesspayer at his Address in such Applotment Book; and every such Voting Paper shall specify the Time and Place when and where such Voting Paper is to be returned to the Secretary of the Grand Jury, and how to be addressed to him, or to whom delivered,

Cesspayers to elect Persons to be associated with Justices.

and the same may be returned to the Secretary of the Grand Jury through the Post Office, or delivered by such Cesspayer, or by any Person expressly authorized by him for that Purpose.

Qualification of Persons to be associated with Justices at Presentment Sessions.

XXIX. No Person shall be eligible to be associated with the Justices at Presentment Sessions who is not a Male of full Age in actual Occupation of Lands, Tenements, or Hereditaments situate in the Barony or Half Barony of the County or in the County of the City or County of a Town wherein such Presentment Sessions are held, and who, not being in Holy Orders, nor any Minister of Religion, and not being a Justice of the Peace, shall have been charged with and shall have paid Grand Jury Rates or Cess for or in respect of Lands, Tenements, or Hereditaments actually occupied by him in such Barony or Half Barony or in such County of a City or County of a Town of the net annual Value of *Twenty Pounds* or upwards.

Duplicate Voting Papers to be provided when original Voting Paper lost or destroyed.

XXX. The High Constable of the Barony, upon the personal Application of any such Cesspayer on or before the Day appointed for receiving such Voting Papers, stating that he has not received any such Voting Paper, or has mislaid, lost, or accidentally destroyed any such Voting Paper, shall obtain from the Secretary of the Grand Jury, who is hereby required to supply the same, and to give to such Cesspayer a Second Voting Paper, to be used by him in the same Manner as such original Voting Paper would have been had the same been received by him, or having been received by him had not been mislaid, lost, or destroyed: Provided always, that every such Second Voting Paper shall be marked (Duplicate), and shall be in all other respects in the same Form as such original Voting Paper, and shall be deemed to have cancelled such original Voting Paper.

Secretary of Grand Jury to declare the Persons elected to be associated with the Justices at Presentment Sessions, and notify to such Persons when and where such Sessions are to be held.

XXXI. The Secretary of such Grand Jury shall, within *One Week* after the Day so to be appointed for receiving the said Voting Papers, examine the Votes to him forwarded as aforesaid with reference to the last previous Applotment, and shall be empowered to call before him the High Constable of any Barony, or other Officer or Collector of Grand Jury Cess, touching the said Votes, or any Cesspayer so giving his Vote, and after a full and fair summing up of the said Votes shall declare to the Committee, by Writing under his Hand, the qualified Cesspayers to have been elected to be associated with the Justices at the Presentment Sessions to be held under the Provisions of "The Grand Juries Act, 1836," or this Act, and shall forthwith signify by Letter to each such Cesspayer that he has been so elected, and shall notify to him the Time and Place in which such Sessions are to be held: Provided always, that if an Equality of Votes should appear to such Secretary

Secretary to be given for any Two or more Persons, or if any Cesspayer who shall have voted or who shall have been qualified to vote at such Election shall, within *One Week* after the Day so appointed for receiving such Voting Papers, deliver or cause to be delivered to such Secretary a Statement in Writing objecting to such Election, and specifying the Grounds of such Objection, such Secretary shall communicate the same to the County Committee, and in that Case such Committee shall decide by Lot upon the Person or Persons having such Equality of Votes to be associated with the Justices at Presentment Sessions, and in case of such Objection shall investigate the same, and make such Order thereon as to them shall seem just, which Order shall be final and conclusive.

Penalty for falsifying any Voting Paper.

XXXII. If any Person shall forge or in any way falsify any Name or Writing in any such Voting Paper or Duplicate Voting Paper, or shall suppress or alter any such Voting Paper or Duplicate, or knowingly personate and falsely assume to vote in the Name of any Person entitled to vote at such Election, or by any Contrivance attempt to obstruct or prevent the Purposes of any such Election, or distribute or collect any such Voting Papers or Duplicates, not being lawfully authorized in that Behalf, the Person so offending shall, upon Conviction before any Justice or Justices at Petty Sessions having Jurisdiction in the District where such Offence has been committed, be liable to a Penalty of not less than *Ten* and not more than *Fifty Pounds*, and in default of Payment thereof shall be imprisoned for a Term not exceeding *Six* and not less than *Two* Months.

Expenses of Election.

XXXIII. The Secretary of the Grand Jury of each County or County of a City or County of a Town shall from Time to Time ascertain the necessary and reasonable Expenses incurred in respect of such Election or incidental thereto, and shall certify the Amount to the County Committee; and such County Committee, on being satisfied as to the Amount of such Expenses, shall make an Order on the Finance Committee of the County for the Payment of such Expenses; and the Amount of such Expenses shall be paid and advanced by such Committee out of any Monies in their Hands available for the general Purposes of the County; and it shall be lawful for the Grand Jury of such County or County of a City or County of a Town, and they are hereby required, to present (without Application to Presentment Sessions), to be raised off the County at large or County of a City or County of a Town, as the Case may be, the Amount of such Expenses, and the Monies so paid and advanced shall be replaced by the Monies raised and levied under such Presentment.

As to the Powers of the Cesspayers so associated.

XXXIV. In the Case of any County at large the Cesspayers associated with the Justice or Justices at the Presentment Sessions holden in the County Court House shall, save and excepting the Cesspayer selected as herein-after mentioned, have no Voice, Power, or Authority in respect of any Applications the Expense whereof it may be proposed to levy off the County at large, but only in respect of those Applications the Expense whereof it may be proposed to levy off the Barony or Half Barony or Portion thereof wherein such Court House may be situate; and in the Case of any County at large, such one of the associated Cesspayers as shall be for that Purpose selected by the Justices and associated Cesspayers at the Presentment Sessions holden in the County Court House, and such one of the associated Cesspayers as shall be for that Purpose selected by the Justices and associated Cesspayers at each of the Baronial Presentment Sessions to be holden in and for each Barony or Half Barony in such County, shall be associated with the Justices at the Presentment Sessions holden in the County Court House, and have and exercise jointly with such Justices all such Power and Authority as by this Act conferred upon the Justices and Cesspayers at such Sessions in respect of so much of the Business of such Sessions as shall relate to the County at large: Provided always, that if none of such Cesspayers shall attend any Presentment Sessions to be held under this Act, it shall be lawful for such Justice or Justices alone to do all Matters and Things authorized to be done thereat by the Justices and Cesspayers associated in the Business thereof.

In case Cesspayers do not attend, the Justices may act alone.

At Presentment Sessions Justices to choose a Chairman.

XXXV. At every Meeting of Presentment Sessions to be holden for the Purposes of "The Grand Juries Act, 1836," or this Act, the Majority of the Justices then present shall choose One of their Number to preside thereat, and when only Two Justices shall be present the senior of them shall preside, and when only One Justice shall be present such Justice shall preside, and such Chairman shall have, in addition to his Vote, a casting Voice in case of an Equality of Voices: Provided always, that in case no Justice shall attend such Presentment Sessions, it shall be lawful for the Cesspayers alone at such Presentment to do all Matters and Things authorized by "The Grand Juries Act, 1836," and this Act or any other Act, to be done thereat by the Justices and Cesspayers associated in the Business thereof; and in such Case such Cesspayers shall choose One of their Number to preside at such Presentment Sessions as Chairman, and such Chairman shall have, in addition to his Vote, a casting Vote in case of an Equality of Votes.

XXXVI. Every

XXXVI. Every Application for any Works which it is proposed to charge upon Two or more Baronies of any County, but not upon the County at large, shall be made at the Presentment Sessions holden for the Barony off which it is proposed that the larger Portion of the Expense of such Work is to be raised, without making the same at the Presentment Sessions for each of such Baronies: Provided that the Justices and Cesspayers associated and having Authority in the Business of the Presentment Sessions holden for any other Barony or Baronies upon which it is proposed to charge any Portion of such Works may attend at the Presentment Sessions at which such Application is made, for the Purpose of considering and deciding upon the Manner in which such Works shall be executed, and for such Purposes shall have and exercise all such Power and Authority as by "The Grand Juries Act, 1836," or this Act, is conferred upon the Justices and Cesspayers at the Presentment Sessions holden for the Barony at which such Application is made, but not further or otherwise; and provided also, that the Person appointed to act as Chairman at the Presentment Sessions holden for the Barony at which such Application is made shall continue to act as Chairman, notwithstanding the Attendance at such Presentment Sessions of the Justices and Cesspayers associated and having Authority in the Business of the Presentment Sessions holden for any other Barony or Baronies upon which it is proposed to charge any Portion of such Work as aforesaid.

Application for Works to be charged upon Two or more Baronies, when to be made.

XXXVII. Every Application for any Work intended to be made at any Presentment Sessions holden under the Provisions of "The Grand Juries Act, 1836," or this Act, shall be lodged with some High Constable of the County in which such Application is to be made *Twenty-five* Days, or with the Secretary of the Grand Jury *Twenty* Days, at least before the Day appointed for holding the first Presentment Sessions in each County next before each Assizes; and every High Constable with whom any such Application shall be lodged shall transmit such Application to the Secretary of the Grand Jury *Twenty* Days at least before the Day appointed for holding such first Presentment Sessions; and such Secretary shall keep an Office open for the Purpose of receiving such Applications during *Ten* Days immediately preceding the last Day upon which such Applications are required to be lodged with such Secretary; and the said Applications shall be open to public Inspection without Fee or Reward; and such Secretary shall, on the Receipt of such Application, endorse or cause to be endorsed thereupon the Time when the same is lodged, and number and arrange all such Applications, as the Works therein comprised may be proposed to be defrayed by the County at large or by any Barony thereof, and an Index thereto referring to the Numbers which he shall mark on each

Applications to be lodged with High Constable or Secretary of Grand Jury.

Application, and shall cause the same to be printed and distributed as herein-after mentioned; and such Secretary shall produce and deliver all the Applications which shall have been lodged with him or delivered at his Office at the Sessions proper, as by the said "Grand Juries Act, 1836," or this Act, provided, for the Consideration of the same, together with the Abstract thereof and the Index thereto.

Posting and Delivery of Notices.

XXXVIII. The Secretary of the Grand Jury of each County shall forward a printed Copy of every Application for Works intended to be made at any Presentment Sessions to each of the Justices and Cesspayers associated with such Justices in the Business of Presentment Sessions in such County, and to the County Surveyor, *Ten* Days at the least before the Day appointed for holding such first Presentment Sessions in such County after any Assizes, and shall also send, at the Time before mentioned, printed Copies of such Applications to the Sub-Inspector of Police for each Barony or Half Barony within such County, who shall cause the same to be affixed on or immediately adjacent to the Doors of every Police Station or Barrack, and at the Places (if any) appointed by the Grand Jury for posting Notices within the Parish or Parishes wherein the Work to which such Applications shall relate is proposed to be executed, and a Copy thereof shall be delivered to the Clerk of the Petty Sessions of the District off which it is proposed that the larger Amount of the Expense of such Work is to be raised: Provided always, that when any Application shall be made by any County Surveyor for any Public Work, in the Manner provided by "The Grand Juries Act, 1836," or this Act, it shall not be necessary for such County Surveyor to post any Notice of such Application.

County Surveyor may make Application respecting certain Public Works, if none already made.

XXXIX. The County Surveyor shall examine all the Applications lodged with the Secretary of the Grand Jury; and in case no Application shall have been made for the necessary surface Repairs of any public Road or Footpath, or the keeping open of any Drain adjoining any public Road, or any other public Work, which to the County Surveyor shall appear necessary, or in case of the Insufficiency or Informality of any Application which shall have been made for such Works, such County Surveyor is hereby required to make Application for the same, in the Manner appointed by "The Grand Juries Act, 1836," at the next Presentment Sessions to be holden for the County or Barony by which the Expense of such Work ought to be defrayed; and it shall not be necessary for the said Surveyor to lodge any Application made by him with the Secretary of the Grand Jury, but such Application, being delivered to the Chairman at such Sessions, shall be dealt with thereat in all respects in the same Manner

Manner as the other Applications which shall have been lodged with the Secretary of the Grand Jury.

Grand Juries not to name Persons in Presentments by whom Works are to be executed.

All Works, Printing, &c. to be executed by Contract.

All Contracts to be by sealed Tenders and Proposals.

No County Officer, &c. eligible to contract.

XL. It shall not, from and after the *Commencement of this Act*, be lawful for any Grand Jury in making a Presentment for any public Work to name or appoint therein any Person or Persons to execute the same, save and except in case of sudden Damage or Injury under the Provisions made in that Behalf in "The Grand Juries Act, 1836," or this Act, but all Works, save as aforesaid, and save and except in the Case of such Repairs as may be specially provided for by the said Act or this Act, which shall be presented by any Grand Jury, shall be executed and performed by Contract, and all Printing for which any Grand Jury shall be authorized to make Presentments shall also be executed by Contract, whether for any Work, Printing, or other Purpose whatsoever, shall be made by sealed Tenders and Proposals, to be delivered, opened, and dealt with, and Security to be taken, in manner provided by this Act; and no Contract shall be entered into save and after Application made and approved at Presentment Sessions; and the Functions of every Grand Jury shall, in respect of all Applications to be made at any Presentment Sessions, be limited to the Approval or Rejection of the same as approved or modified by such Sessions, and to the Presentment and annulling thereof accordingly: Provided, nevertheless, that no Magistrate of the County or Cesspayer shall undertake or be interested in any Contract under this Act for any Work approved of or applied for at any Sessions at which he shall act or be capable of acting as a Justice or associated Cesspayer, and if any Magistrate or County Officer, or any Person in his Employment, shall undertake or be interested in any such Contract, he shall, on Conviction thereof, be liable to a Penalty of *Fifty Pounds*, which may be recovered in any Court of competent Jurisdiction by any Person who may sue for the same, in addition to any Penalty or Proceeding to which such Magistrate may be liable under the Provisions of "The Grand Juries Act, 1836," or this Act; and provided further, that nothing herein contained shall extend to restrain or affect any Contract made or to be made with any Commissioners acting under Authority of Parliament in the Loan, Advance, or Grant of Exchequer Bills or Money.

Presentment for new Lines of Road to be levied on the Barony.

XLI. It shall be lawful for the Grand Jury at any Assizes to present any new Road to be laid out and made of any Width not less than Sixteen Feet nor more than Fifty Feet in the Clear, and to present all such Sum and Sums of Money as shall be necessary for laying out, or for forming, levelling, and draining, and for gravelling, paving, and making the same, and also for making Fences thereto, to

be levied on the Barony or County of a City or County of a Town in which the same shall be situate, and when it passes through more than One Barony, then proportionately on each Barony, unless such new Line of Road shall be one upon which it is intended that Her Majesty's Mails shall be carried in Mail Carriages, in which Case it shall be lawful for the Grand Jury to present *one Half* of all such Sums of Money as shall be necessary for any of the Purposes aforesaid to be levied off the County, and the *other Half* off any Barony or Baronies through which such new Road shall pass: Provided always, that no Presentment shall be made for laying out any such new Road unless, together with the Application therefor, a published Map of such intended new Road to a Scale of not less than Six Inches to a Mile, with the Line of Road delineated thereon so as to show its general Course and Direction, has been lodged with the Secretary of the Grand Jury *Ten* Days at least before the Day for holding the first Presentment Sessions after each Assizes in such County, and that a Notice setting forth that an Application is intended to be made for a Presentment to lay out such new Road (distinguishing the several Townlands and Baronies through which it is intended to be carried, with the Number of Perches in Length through each Townland,) has been personally served upon or left at the House of each Occupier of the Land through which such new Road is intended to be made, *Fifteen* Days at least before the Day of holding such Sessions, nor unless it shall appear that no Part of such new Road is to be made through any Deer Park inclosed with a Wall built of Lime and Stone or Bricks Five Feet high or more, without the Consent of the Owner thereof, and that no Part thereof is to be made through any House entirely built with Lime and Stone or Bricks, or through any Office belonging to any Person inhabiting a House so built, without the Consent of such Person.

In case of Post Roads on the County and

Map of the Line to be lodged with Secretary along with Application.

Service of Notices upon Occupiers of Land.

Grand Jury to present for a "General Purpose Fund."

XLII. And whereas it is expedient that a Fund should be provided to enable the Finance Committee of any County to make Advances to Contractors authorized to be made during the Execution of any Public Work or for other Purposes, and in respect of which Presentments shall have been made under the Provisions of "The Grand Juries Act, 1836," or this Act: Be it therefore enacted, That it shall be lawful for the Grand Jury of any County to present at any Assizes, without Application to the Presentment Sessions, such Sum as the Finance Committee of such County shall report to such Grand Jury to be necessary for the Purpose of such Advances; and the Amount so presented shall form the "General Purpose Fund" of such County; and any Monies which shall be advanced from such Fund for any public Work or other Purpose in respect of which a Presentment

Presentment shall have been made by the Grand Jury under the Provisions of the said recited Act or this Act shall be replaced by the Monies raised and levied under such Presentment.

Provision in s. 17. of 19 & 20 Vict. c. 63. extended to all Works of Repair.

XLIII. And whereas an Act was passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the Reign of Her Majesty, Chapter Sixty-three, which (by Section Seventeen) provided, amongst other things, that if in the Opinion of the County Surveyor the Contractor for the Repair of any Road shall be guilty of Neglect or Inattention in the Performance of his Contract, it shall be lawful for such Surveyor to summon such Contractor and his Sureties before the Justices at Petty Sessions, and if it shall appear to such Justices that such Work has been insufficiently executed or contrary to the Terms of the Contract, it shall be lawful for such Justices to authorize such Surveyor to complete the same, subject to the Provisions therein contained: And whereas it is expedient that such Provisions should be extended to all such Works of Repairs as are herein-after mentioned: Be it therefore enacted, That the Provisions contained in the Seventeenth Section of the said Act shall extend and apply to any Work of Repairs which shall have been contracted for under the Provisions of "The Grand Juries Act, 1836," or this Act; and it shall be lawful for the Grand Jury of any County at any Assizes, without any previous Application to Presentment Sessions, to present to be levied off such County such reasonable Sum as the Surveyor of such County shall have expended in carrying into effect the said Provision of the said Act as the same is extended by this Act.

When Works are given or taken in charge by County Surveyor, Finance Committee may advance Monies for same, not exceeding Amount approved of at Presentment Sessions.

XLIV. When any Presentment shall have been made for any public Work by the Grand Jury of any County, and when such Work shall have been given in charge to the County Surveyor by such Grand Jury, under the Provisions of "The Grand Juries Act, 1836," or this Act, or when such County Surveyor shall have been authorized to execute any Work of Repairs in any County by reason of Neglect or Inattention on the Part of the Contractor of such Work in the Performance of his Contract under the Provisions herein-before contained, the Finance Committee of such County shall from Time to Time, in such Manner and under such Regulations as the Grand Jury of such County may direct, out of any Monies in their Hands available for the general Purposes of the County, pay and advance such Sums to Contractors, Artificers, and Workmen employed on such Works respectively as may be certified by such County Surveyor to have been expended thereon, not exceeding the Amount approved of in respect of such Works respectively at Presentment Sessions; and such Monies so advanced shall be replaced by the

Monies raised and levied under the Presentment made by the Grand Jury for such Works respectively by virtue of the said recited Act.

Applications to Presentment Sessions for public Works may in future be made by One Cesspayer or County Surveyor.

XLV. Every Application to Presentment Sessions for any Presentment for any public Work may be made by some one Person paying Grand Jury Cess, or by the County Surveyor; and every Application to Presentment Sessions, whether for a public Work or any other Purpose whatsoever, shall be prepared in the Manner and Form prescribed by Section 16 of "The Grand Juries Act, 1836."

Works of Maintenance.

XLVI. In order to lessen the Expense of keeping public Roads and Buildings in repair, and for defraying the Expense of Printing, and to obviate the Necessity of making frequent Applications to Presentment Sessions for the same, be it enacted, whenever any Application shall be made in the Manner by "The Grand Juries Act, 1836," or this Act, provided, for gravelling or repairing with small Stones any public Road, or for keeping open the Drains on the Side of any public Road, or for gravelling or repairing any Footpath on the Sides of any such Road, or for repairing the Battlements of any Bridges upon any such Road, or for keeping in repair any Building, or for printing the Accounts of the Finance Committee and all Copies of Schedules of Applications or other Printing required under the Provisions of this Act, or of "The Grand Juries Act, 1836," or which may be ordered by the Judge of Assize, or Grand Jury, or Presentment Sessions for any County Purpose, the Justices and Cesspayers associated in the Business of such Sessions shall consider whether it may not be proper to contract for such Works and Printing for a fixed Period, and if they shall be of that Opinion they shall fix and determine the Period, being not more than *Seven* Years, for which it is expedient that a Contract should be made for that Purpose, and the County Surveyor shall insert such Period in his Specification and Form of Tender for such Works and Printing.

Advertisement for Tenders and Proposals.

XLVII. The Secretary of the Grand Jury shall, upon being furnished by the County Surveyor with the Specification or Form of Tender for the Execution of any Work by "The Grand Juries Act, 1836," and this Act authorized, and the Maps, Plans, Sections, and Elevations belonging thereto, notify by public Advertisement, or otherwise in such Manner as the Justices and Cesspayers at Presentment Sessions shall have directed, his Readiness to receive sealed Tenders and Proposals for the Execution of such Work, during such Period as shall have been appointed by the same Authority for the Reception of the same, and the Time to which such Sessions has adjourned for the opening of such Tenders and Proposals, and that Forms thereof may be obtained at his Office; and such Secretary shall

shall accordingly prepare a sufficient Number of Forms of such Tenders and Proposals, and furnish to any Person who shall demand the same a Copy thereof, receiving therefor the reasonable Cost of preparing the same, not exceeding the Sum of *Sixpence*, and each of such sealed Tenders and Proposals shall contain a Statement of the lowest Sum for which the Party making such Proposal is willing to contract for the Performance of the Works specified and described in such Notification, and shall be subscribed with the Name, Description, and Residence of the Party so desirous to enter into such Contract, and also the Names, Descriptions, and Residences of not less than Two sufficient Persons willing to be bound, jointly and severally, with him, for the due and faithful Performance of the said Contract within the Time and in the Manner thereby prescribed, in a penal Sum not less than the Amount of the Sum mentioned in such Tenders and Proposals; and all Maps, Plans, Sections, and Specifications relating to any such Work prepared by the County Surveyor shall be open to public Inspection in the Office of such Secretary, without Fee or Reward.

At adjourned Sessions Tenders to be opened, and Contract entered into with the Person making lowest Proposal.

XLVIII. At the Meeting of each adjourned Presentment Sessions held for the Purpose of considering Tenders and Proposals for the Execution of any Work under "The Grand Juries Act, 1836," or this Act, the Secretary of the Grand Jury shall in open Court produce, duly numbered and arranged, and with the Seals unbroken, all the Tenders and Proposals which may have been delivered to him, and shall open consecutively all those relating to the same public Work, and so soon as the lowest Proposal made for the Performance of each such Work shall be ascertained the Party making such Proposal and his Sureties shall be called, and if the said Party and his Sureties shall appear, and shall satisfy the Justice and Cesspayers at such Sessions, upon Oath or otherwise, of the Sufficiency and Ability of each and every of them to answer and make good the Penalty hereinbefore specified for the Nonperformance of such Contract, and that such Proposal has not been made for any unfair or fraudulent Purpose, and shall thereupon enter into Security for the due Performance of such Contract, conditioned in such Penalty as aforesaid, such Proposal shall be accepted, and the Party making the same shall be declared entitled to execute the Work to which such Proposal may refer, if the same shall be presented by the Grand Jury; but if the Party making such Proposal and his Sureties shall not appear when called, or shall fail to satisfy the Justice and Cesspayers at such Sessions in any of the Particulars aforesaid, or shall decline to enter into such Security as aforesaid, then and in such Case the Proposal of the Party making default as aforesaid shall be deemed null and void to all Intents and Purposes whatsoever, and the next lowest Pro-

posal shall be ascertained and dealt with in the same Manner, and so on until the said Security shall be entered into and the Contract duly completed.

Security to be by Bond to the Secretary of the Grand Jury.

XLIX. The Security to be entered into by Contractors and their Sureties under the Provisions of "The Grand Juries Act, 1836," and this Act, shall be by a Bond to the Secretary of the Grand Jury made to such Secretary; and at each adjourned Presentment Sessions held for the Consideration of Tenders and Proposals held under the Provisions of "The Grand Juries Act, 1836," any Justices present or the Chairman is hereby authorized to take such Bond, and such Secretary shall prepare the same, and come provided therewith, so as to prevent Delay; and the Expense of preparing the same, not exceeding *One Shilling*, shall be defrayed by the Party or Parties entering thereunto; and such Bond shall be preserved in the Custody of such Secretary until the Condition of such Bond shall have been fulfilled, and shall then be delivered up to the Conusee or Conusees therein named, or to any Person by him or them duly authorized, to be cancelled.

In Cases of Death, &c. of Secretary, Right of Action, &c. in respect of Bond to vest in his Successor.

L. In case of the Death or Removal of the Secretary of the Grand Jury, the Right of Action or Suit or other Interest in respect of such Bond shall vest in his Successor, or other the Secretary of the Grand Jury for the Time being; and in case any Action, Suit, or other Proceeding, of what Nature soever, shall be pending at the Time of the Death or Removal of such Secretary, the same shall not abate by reason thereof, but shall be continued in the Name of his Successor or other the Secretary of the Grand Jury for the Time being.

Secretary to applot Sum required, and return the Applotment to the Grand Jury.

LI. So soon as the Secretary of the Grand Jury of each County shall have made the Schedules of the Contents of such Applications, approved of, wholly or in part, at Presentment Sessions, and shall have performed all such Matters and Things as such Secretary is required to make and perform, under the Provisions contained in the Twenty-fifth Section of "The Grand Juries Act, 1836," and shall have totted up the Amount of the Sums required by the several Applications, with reference to the Contracts relating thereto, to be raised at such Assizes on the County at large, such Secretary shall apportion the same, according to the Mode of Assessment herein-after provided, on the respective Baronies or Half Baronies, which Apportionment, together with a Copy of the Presentments made at the preceding Assizes, he shall return to the Foreman of the Grand Jury at the Time when such Grand Jury shall be first impannelled, as provided by the said recited Act and this Act.

LII. The

Provisions in s. 27. of Grand Juries Act, 1836, extended.

LII. The Provisions contained in Section Twenty-seven of "The Grand Juries Act, 1836," in respect of any Application made at Presentment Session for making any new Road, or building any new Bridge, or erecting, enlarging, repairing, rebuilding, or finishing any House or other Building, the probable Expense whereof shall exceed the Sum of *Fifty Pounds*, shall extend and apply to any Application made at Presentment Sessions for cutting any Hill, filling any Hollow, or building any Wall, the probable Expense whereof shall exceed the said Amount.

When no Contract entered into for Works approved of at Road Sessions, Grand Jury may present for same.

LIII. When any Application for the Repair, Maintenance, or Construction of any public Work or Road shall have been approved of at Presentment Sessions, and the Secretary of the Grand Jury shall have notified by public Advertisement his Readiness to receive sealed Tenders and Proposals for the Execution thereof, in the Manner directed by "The Grand Juries Act, 1836," or this Act, if no proper Contractor shall tender at the adjourned Sessions, or if no Proposal shall be made or accepted for such Work, the Grand Jury at the next Assizes shall have Power and Authority to present for such Work of Repair, Maintenance, or Construction, or the rebuilding of any Bridge or Gullet, any Sum of Money in such Case necessary, not exceeding the Amount approved of at Presentment Sessions, and to enter into any Contract for its Execution, or if no sufficient Contractor can be obtained, to direct the County Surveyor to execute the same, anything in "The Grand Juries Act, 1836," to the contrary notwithstanding: Provided always, that no greater Amount shall be expended therein by or under the Direction of the said County Surveyor than the Amount approved of at Presentment Sessions.

When Work is given in charge to County Surveyor, Finance Committee to make Payments.

LIV. When any Work shall be given in charge to the County Surveyor for Execution by any Grand Jury, under the Authority of "The Grand Juries Act, 1836," or this Act, the Finance Committee of the County shall from Time to Time, in such Manner and under such Regulations as the Grand Jury may direct, out of any Monies in their Hands available for the general Purposes of the County, pay and advance such Sums to Contractors, Artificers, or Workmen as may be duly certified by such Surveyor, not exceeding the Sum presented for such Work as aforesaid, and such Monies so advanced shall be replaced by the Monies raised and levied under the said Presentment: Provided always, that any Monies so expended by the County Surveyor shall be duly accounted for on the Oath of the County Surveyor at the next ensuing Assizes.

Presentment for lowering Hills, filling

LV. It shall be lawful for the Grand Jury of any County to present such Sum or Sums of Money as may be necessary for lowering

up Hollows, building and repairing Bridges, &c. upon public Roads.

lowering any Hill or filling up any Hollow, or both, on any public Road, and for making the Road thereon with Stones and Gravel, or for building, rebuilding, repairing, altering, or enlarging any Bridge, Pipe, Arch, or Gullet, built of Stones or Bricks, or Wood or Iron, or partly of Wood and partly of Iron, under or on any such Road, or filling or gravelling over any such Bridge, Arch, Pipe, or Gullet, or for building or repairing any Wall or Part of a Wall necessary to the Support of or to prevent any steep Banks of Earth from falling upon any such Road, or for erecting any Fence, Railing, or Wall for the Protection of Travellers from dangerous Precipices, or Holes on the Side of any public Road, to be raised either off the County or off the Barony or Baronies in which the same may be locally situate.

Presentment for Gallows, Milestones, &c.

LVI. It shall be lawful for any Grand Jury to present, to be raised off the County at large, any Sum or Sums of Money as shall appear to them to be necessary for making or repairing a Gallows, or for Bolts and Shackles, and also for erecting or repairing Direction Posts, Milestones, Mile Posts, or Depôts for Materials.

So much of s. 110. of 6 & 7 W. 4. c. 116. as fixes Salary of Secretaries of Grand Juries repealed.

LVII. So much of Section One hundred and ten of "The Grand Juries Act, 1836," and the Schedule (S.) to the said Act annexed, as specifies and provides for the Payment and Remuneration of Secretaries of Grand Juries, shall be repealed; and from and after the Assizes which shall be held next after the *Commencement of this Act* the Secretaries of Grand Juries shall be paid and remunerated for their respective Duties, Services, and Expenses by annual Salaries, payable half-yearly at each Assizes by equal Moieties, and not exceeding the Amount mentioned in the Schedule (B.) to this Act annexed; and the Grand Jury at any Assizes shall present (without previous Application to Presentment Sessions) for each such Secretary, to be raised off the County at large, *the Moiety* of such annual Salary; and Payment of the same shall be made in the Manner herein-before mentioned with respect to the Salary of the County Surveyors: Provided always, that in case of any negligent or insufficient Discharge of Duty by any such Secretary, it shall be lawful for any Grand Jury, with the express Sanction of the Court, but not otherwise, to present any Sum or Sums less in the whole than *the Moiety* of the annual Salary by this Act specified to be paid to any such Secretary, or to withhold or refuse to make any Presentment whatever for any such Secretary, and such Secretary shall not be entitled to receive any Payment for any Service or Duty performed at an adjourned Assizes.

Presentment for Copies of Weights and Measures, and for Stamps.

LVIII. It shall be lawful for the Grand Jury of any County and they are hereby required to present, to be raised off such County, the Expense of providing and transmitting such Copies of the Imperial Standard

Standard Weights and Measures, and the Stamps to be used by Inspectors of Weights and Measures, to such Head Constable, or Constable in each Petty Sessions District as shall have been selected by the County Inspector of Constabulary, with the Approval of the Justices, to be ex-officio an Inspector of Weights and Measures within such District, under the Provisions of the Thirteenth and Fourteenth Years of the Reign of Her Majesty, Chapter One hundred and two, as such Grand Jury are respectively directed to provide and transmit to Inspectors of Weights and Measures under and by virtue an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Sixty-three.

Presentment for Expenses of suing Treasurers, Contractors, &c.

LIX. It shall be lawful for the Grand Jury of any County to present, to be levied off such County, such Sum or Sums of Money as may be necessary or shall have been expended for or in suing any Secretary of the Grand Jury, High Constable, or Collector of any public Money, or any of their Sureties, Executors, or Administrators, for any Misconduct, Breach of Duty, or Nonpayment, or for recovering any public Money from any such Secretary, High Constable, or Collector, or their Sureties, Executors, or Administrators, or for suing any Contractor under this Act, or the "Grand Juries Act, 1836," or under any Act in force in Ireland at the Time of the passing of this Act, his Sureties, Executors, or Administrators, for any Breach of Contract, or for defending any Officer employed by the Grand Jury who may be sued for putting into execution any of the Powers contained in the "Grand Juries Act, 1836," or for doing any Act, Matter, or Thing pursuant thereto; provided that no such Presentment shall be made unless together with the Application therefor at Presentment Seasions there shall have been laid before such Sessions a Bill duly taxed, and certified by the proper Taxing Officer, of the Costs incurred for any of the Purposes aforesaid for which such Presentment shall be required, nor unless it shall be proved that such Costs incurred for suing any of the Persons before mentioned could not be recovered from the Person sued, or any other Person liable to pay the same, and that the Proceeding against such Persons was instituted by the Direction of a Grand Jury.

Presentment for Trackways on Banks of navigable Rivers.

LX. It shall be lawful for the Grand Jury of any County to present at any Assizes such Sum or Sums of Money as may be necessary to make, repair, or widen to any Width not exceeding Fifteen Feet any Towing Path and Trackway on the Bank of any navigable River on which Boats have been accustomed to be towed by Horses, to be levied off the Barony or Baronies in which such Towing Path and Trackway so made, repaired, or widened are locally situate: Provided always, that nothing herein contained shall extend

to the making, repairing, or widening of the Towing Paths or Trackways of Lands or Rivers whereon Tolls are paid or payable.

Advances may be made to Contractors in certain Cases, not exceeding Three Fourths of the Cost of the Work.

LXI. It shall be lawful for the Grand Jury, in Cases where the Cost of executing any public Work shall exceed *Twenty Pounds*, at the Time of presenting for such Work to authorize the Finance Committee of the County, from and out of any Funds in their Hands applicable to the Purpose, to advance from Time to Time during the Execution of the Work to the Contractor, upon his Application, any Sum not exceeding in the whole *Three Fourths* of the Cost of such Work; and such Monies so advanced shall be replaced by the Monies raised and levied under the said Presentment: Provided that no such Advances shall be made by such Finance Committee unless such Application shall be accompanied by a Certificate attached thereto, and signed by the County Surveyor, that the Sum applied for by such Contractor, in addition to any previous Advances made by him for such Work, has been fairly and honestly expended upon and conformably to the Contract; and provided also, that the County Committee shall approve of such Application, and shall make an Order on the Finance Committee of the County for the Payment of such Advances, such Order to be signed by the Chairman for the Time being of such County Committee and Two other Members thereof.

Compensation for malicious Injury.

LXII. And whereas it is expedient to extend the Remedies for malicious Injury to Property provided by "The Grand Juries Act, 1836:" Be it therefore enacted, That from and after the *Commencement of this Act*, in all Cases of maliciously or wantonly setting fire to, burning, or destroying any House, Outhouse, or other Building, or any Furniture, Goods, Chattels, or other Property contained therein, or any Haggard, Corn, Hay, Straw, Turf, Wood, Underwood, Covert, or any growing Crop, or of maliciously setting fire to, burning, or sinking any Boat or Barge laden with Corn or other Provisions, or of maliciously killing, maiming, houghing, or injuring any Horse, Mule, Ass, or Swine, or any horned Cattle or Sheep, or of maliciously damaging, injuring, or destroying any Bank, Gate, Lock, Weir, Sluice, Bridge, Dam, or other Work belonging to any Person, public Canal or Navigation, any Person or Persons injured by any such Offence, and intending to apply for Compemsation for any Loss or Damage sustained thereby, shall serve Notice in Writing of such Injury, and of such his or their Intention, upon the High Constable of the Barony or Baronies, and the Churchwardens of the Parish or Parishes, and at the nearest Police Station, or, if there be no Churchwarden, upon Two of the principal Inhabitants of the Parish or Parishes respectively wherein such Offence shall have been committed, within *Six* Days at least after the Commission of the same, and shall lodge with the High Constable

Notice of Injury to be given within Six Days to Churchwardens, &c:

Constable or Secretary of the Grand Jury, in like Manner and Time as Applications for Presentments for public Works are herein-before directed to be lodged, an Application setting forth the Loss or Damage occasioned by such Offence, and stating the Time and Place when and where such Injury was done, the particular Property consumed, injured, or destroyed, and the Amount of Damage thereby sustained, and by what Number of Persons, and whom by Name and Descrip tion, such Injury was done, if such Offender or Offenders shall be known, and if not stating such Particulars respecting such Offender or Offenders as may be known; and like Notices shall be posted of such Application as herein-before prescribed in Cases of other Applications to Presentment Sessions; and such Application shall be scheduled by the Secretary of the Grand Jury, and by him dealt with in all respects as other Applications under this Act; and the Presentment Sessions held for any such Barony or Baronies respectively shall examine into the serving and posting the Notices of such Application, and into the Merits of the same, and the Chairman shall endorse their Opinion thereupon, and such Secretary shall deliver such Application so endorsed to the Grand Jury at the next Assizes; and the said Grand Jury shall, during the Time appointed for transacting the fiscal Business of the County, examine into the Matter of such Application upon the Oath of the Party injured, or such other Evidence as can be produced touching the said Offence; and the said Grand Jury shall, on the Consideration of the said Matter, either disallow such Application altogether, or present such Sum or Sums of Money as the Person or Persons so injured ought to receive for such Injury or Damage, to be levied off the County at large, or such Barony or Baronies, Parish or Parishes, District, Townland, or Sub-Denomination thereof, as the Grand Jury shall direct.

To be laid before Grand Jury, with Opinion of Sessions endorsed, and Presentment made, or refused, &c.

LXIII. Every Application under this Act for Compensation for Loss or Damage occasioned by any malicious Injury as aforesaid shall be made at the next Presentment Sessions which shall be holden after the Commission of such Offence for the Barony or Baronies, County of a City or County of a Town, where the same shall have been committed, unless any such malicious Injury shall have been done after the Day appointed for holding the first Presentment Sessions in such Barony or Baronies after the Assizes for the County in which such Injury shall have been done, or so near the Day of holding the same that such Application for Compensation cannot be duly lodged as herein-before directed, in either of which Cases the Person or Persons so injured shall make such Application at the Presentment Sessions which shall be holden next but one after the Time of the Commission of such Offence for the Barony or Baronies respectively, or the County of a City or County of a Town,

Applications when and where to be made.

where the same shall have been committed; and the Notices of such Application shall be posted accordingly; and it shall not be lawful for any Grand Jury to make any Presentment or Compensation for malicious Injury under the Provisions of this Act except at the Assizes next ensuing to the Sessions where Application shall have been made therefor.

Persons injured to give in Examinations upon Oath before a Justice within Three Days after Offence committed.

LXIV. Provided always, That every Person or Persons who shall, under the Provisions of this Act, apply for Compensation for any Loss or Damage occasioned by malicious Injury as aforesaid, shall, within *Three* Days after the Commission of the said Injury, unless prevented by Illness or other sufficient Cause, give in his, her, or their Examination upon Oath, or that Examination upon Oath shall be given by his, her, or their Servant or Servants who had the Care of his, her, or their Property so injured, before some Justice of the Peace of the County where such Injury shall have been committed, thereby specifying whether he, she, or they do know the Person or Persons who committed the said Injury, or any of them; and in such Case such Examinant or Examinants shall be bound by Recognizance to prosecute such Offender or Offenders by Indictment or otherwise according to the Laws of this Kingdom.

When Presentment is opposed or Application disallowed, a Jury may be sworn to try the Matter.

LXV. All such Applications whatsoever for Compensation for Loss or Damage sustained by malicious Injury shall be laid by the Acting Clerk of the Crown before the Judge of Assize upon his Arrival; and in case any Person paying Grand Jury Cess for the County or Barony chargeable with the Sum presented by the Grand Jury upon any such Application shall be desirous of opposing any such Presentment, or in case any Person whose Application for Compensation shall have been disallowed by the Grand Jury shall wish to have his or their Application reconsidered, such Cesspayer or Person or Persons applying for Compensation shall be heard; and in either of such Cases the Judge, if he shall so think fit, shall direct a Jury to be forthwith impanelled to try the Matter of such Presentment or Application respectively, and, according as the Issue shall be found for or against such Cesspayer, the Judge shall discharge, alter, or fiat such Presentment; and in case of Application disallowed, if the Issue shall be found for the Person or Persons applying for Compensation, the Judge shall direct the Grand Jury to make Presentment thereupon accordingly, otherwise such Application shall be discharged; and all Verdicts of Juries impanelled as aforesaid to try any such Issues shall be final and conclusive to all Persons whatsoever; and it shall be lawful for the said Judge to award by Rule for that Purpose Costs to the Parties for whom the Issue shall be found, against the other Party or Parties respectively, in any Sum not exceeding

Their Verdict to be final.
Costs.

exceeding *Ten Pounds* Sterling; and the said Judge is hereby empowered to direct and issue forthwith an Order or Orders in the Nature of Execution against such last-mentioned Party or Parties respectively, which said Order or Orders the Sheriff of such County is hereby required to execute in the same Manner as in Cases of Executions against the Chattels and Effects of Defendants.

No Presentment for Compensation to be removed by Certiorari; nor Traverse allowed.

LXVI. No Presentment for Compensation for Loss or Damage as aforesaid shall at any Time be removed by Certiorari; nor shall any such Presentment be at any Time quashed for any Informality, Imperfection, or Defect in Form whatsoever; and no Traverse, save as aforesaid, shall be allowed or received to any such Presentment; nor shall any Action or Suit for the Recovery of any Satisfaction or Damages sustained by reason of any Injury for which the Person or Persons injured thereby may be entitled to apply for Compensation under the Provisions of this Act be brought or prosecuted against any chief or other Magistrate, or any Inhabitant or Inhabitants of any Parish or other Person or Persons whatsoever; any Act or Acts now or heretofore in force in Ireland to the contrary notwithstanding.

Mode of obtaining Compensation for Injury committed near Boundaries of Counties.

LXVII. Provided also, That in case such burning or other malicious Injury as aforesaid shall be committed on the Verge or within the Distance of *One Mile* of the Boundary of any Two or more Counties, the Person or Persons who shall sustain such Injury may apply for Compensation, in the Manner herein-before directed, in either or any of such neighbouring Counties, and all Proceedings shall be taken thereupon as herein-before provided with respect to other Applications for Damages for malicious Injury; and in case any Sum or Sums of Money shall be presented by the Grand Jury of the County where such Application shall be made, or shall be finally awarded by the Verdict of any Jury, as and for a Compensation to the Person or Persons applying as aforesaid, the Judge at the Assizes of such County shall have Power and Authority to apportion the Amount of such Compensation amongst such neighbouring Counties, and shall direct the Proportion of the same which shall be paid by them respectively, and shall certify the same accordingly, and such Presentment shall thereupon be diminished, or Presentment made according to the Proportion which the said Judge shall direct to be paid by such County; and the Grand Jury or Grand Juries of the said other neighbouring County or Counties respectively shall and they are hereby required, on the Production of the Certificate of such Judge declaring the Proportion, to be paid by such County or Counties, to present such Proportion when the same shall exceed *One hundred Pounds* to be raised off the County at large, and if such Proportion shall be under *One hundred Pounds* to be raised off the

Barony or Baronies in or near to which such Injury shall be alleged to be committed, and paid to the Person or Persons so applying, as the Case may require.

No Fees to be taken.

LXVIII. No Fee shall be demanded from or paid by any such Cesspayer or Person applying, to the Clerk of the Crown, Judges, Crier, or Jury, for any Matter or Thing relating to any such Application, Presentment, or Trial.

Clerk of the Crown to deliver Copies of Presentments, &c. to Secretary or Grand Jury:

To be printed and distributed.

Presentment for printing Schedules, &c.

LXIX. The Clerk of the Crown of every County in Ireland shall, within *Seven* Days after every Assizes, deliver to the Secretary of the Grand Jury for the Finance Committee of such County, without a Fee or Reward, a Copy, attested upon Oath, and signed by himself, of all Presentments which shall have been made and fiated at the preceding Assizes, and likewise Copies of all Queries discharged and remaining undischarged, distinguishing the same, and such Secretary shall deliver the same to the Finance Committee of such County, and the Finance Committee shall within *Thirty* Days after the Receipt thereof cause a Number of Copies of such Presentments and Queries, and also a detailed Abstract of their Accounts, to be printed and distributed as the Grand Jury shall direct; and it shall and may be lawful for the Grand Jury at each Assizes to present, to be levied off the County, such Sum as shall be necessary for defraying the Expense of printing and distributing such Copies, and also to present all such Sum or Sums of Money as shall be necessary to defray the Expense of printing the Account of such Finance Committee, and all Copies of Schedules of Applications and other Printing required under the Provisions of this Act, or which may be ordered by the Judge of Assize or Grand Jury or Presentment Sessions for any County Purpose.

Imperative Presentments to be printed separately.

LXX. The Secretary of each Grand Jury, in the Preparation of all printed Lists of Presentments granted by such Grand Jury, shall place in a separate Page of such Lists the several Sums of Money which shall have been presented by such Grand Jury under the Laws now in force under which it is imperative on such Grand Jury to make Presentments for varions public Services, and the Amount of all Sums in such Lists shall be totted up at the Foot of each Column.

Copies of all Presentments made to be laid before Parliament.

LXXI. The Secretary of the Grand Jury of every County in Ireland shall, on or before the *Twenty-fifth Day of December* in each and every Year, cause a true Copy signed by himself of all Presentments which shall have been made by the Grand Jury and fiated by the Court at any Assizes or Presenting Term in such Year for the County whereof he

he is Secretary, to be forwarded to the Secretary of the Lord Lieutenant, to be by him laid before Parliament; and in case any Secretary of the Grand Jury of any County shall neglect to make such Return as aforesaid he shall forfeit his Office.

Power to re-present Arrears to be levied as Sums originally presented.

LXXII. It shall be lawful for any Grand Jury to re-present any such Sums of Money as now are or at any Time hereafter shall be unpaid or in arrear out of any Denomination, Barony, or County of a City or Town, to be raised and levied on such Denomination, Barony, County of a City or Town upon which the same was originally required by the Treasurer's Warrant or the Warrant of the Finance Committee to be levied; and to present all such Sums of Money which have hitherto been or which shall at any Time hereafter remain unpaid on account of the absconding or Insolvency of any County Treasurer, Collector, or other Person empowered to receive or collect public Money who is or shall be insolvent, to be raised and levied either upon the County or upon the Barony in which the same was before levied, as they shall think fit, which Sums shall be levied in the same Manner, and subject to the same Rules, Regulations, Provisions, and Powers, as any Money to be levied by virtue of the "Grand Juries Act, 1836," or this Act, is to be subject; to and in case any Money so detained or secreted by any Collector, Treasurer, or other Person empowered to collect or receive public Money shall be thereafter recovered, it shall be paid to the Finance Committee, and such Money so paid, and any Balance, Arrears of, or Surplus on the Salary of any County Officer, and all other such like Surplus and Balances of Money raised by Authority of the "Grand Juries Act, 1836," or this Act, or which may in anyway arise in the Hands of any Finance Committee, shall be applicable to defray the Expenses of any public Work or any County Charge whatsoever which the Grand Jury are authorized to present, under the Provisions of the said Act or this Act, and shall be presented by the Grand Jury for such of the said Purposes as to them shall seem expedient: Provided always, that such Sum shall be applied to the Credit of any County or Barony off which it was originally levied; and provided further, that before it shall be lawful for any Grand Jury to re-present any Sum of Money as unpaid or in arrear out of any County or Barony or Denomination, to be raised or levied on such County or Barony or Denomination, it shall be made to appear, by Affidavit of the Collector, to such Grand Jury, that such Sum is actually in arrear and unpaid by such County or Barony or Denomination respectively, and that it could not have been levied from the Persons or out of the Lands charged with or liable to pay the same.

Surplus Monies applicable to general Purposes of County.

Application of Sums presented for Works not executed.

LXXIII. Whenever any Sum shall have been presented for any Work which shall not be exeeuted within the Time or according to the Terms prescribed by the Contract for executing the same, it shall be applied, in such Manner and under such Direction as the Grand Jury shall appoint, for the Purpose of executing or completing such Works, and shall be accounted for by such Person so appointed to apply the same.

High Constable and Collectors to give Security.

LXXIV. Provided always, That no Person shall act as High Constable or Collector unless he shall have given Security at the Assizes before the Grand Jury by whom he shall have been appointed, or before the Justices of the Peace at the Sessions, if such High Constable or Collector shall have been appointed at Sessions, by Two sufficient Sureties joining with him in executing a Bond and Warrant of Attorney, without Stamp, to confess Judgment, to the Secretary of the Grand Jury of the County, conditioned for his duly collecting and paying to the Finance Committee on or before the First Day of the next Assizes all such public Money as he is or shall be required by him to collect; and on his producing to the Grand Jury the Certificate of the Finance Committee of his having paid the same, pursuant to such Recognizance it shall be lawful for the Grand Jury to present, without previous Application to Presentment Sessions, a Sum not exceeding *Ninepence* in the Pound on the Amount of the Collection to be paid to such High Constable or Collector for his Trouble therein: Provided always, that no Presentment for such Poundage shall be made by any Grand Jury or fiated by the Court unless the Warrant of the Finance Committee under which such High Constable or Collector has levied such public Money shall be annexed to such Presentment, nor unless such High Constable or Collector, and their Deputies respectively, shall make Affidavit before the said Grand Jury that such public Money has been fairly and impartially levied, and that no more than the Sum authorized by the Warrant of the Finance Committee, with the customary Collectors Fees, has been collected, to the best of his and their Knowledge and Belief; and every High Constable and Collector as aforesaid may, by Writing under his Hand and Seal, appoint a Deputy Collector or Deputy Collectors, for whom he shall be answerable, to assist him in collecting the public Money; and every such Bond, and any Judgment entered thereon, shall vest in and may be sued for by the Secretary of Grand Jury for the Time being, who shall be entitled to continue the Proceedings of any former Secretary of the Grand Jury, on filing a Suggestion stating his Appointment to such Office, or on his making it otherwise appear to the Court in which such Proceedings may be pending that he is the acting Secretary of the Grand Jury.

Affidavit by them of fair Levy.

May appoint Deputies.

LXXV. When

When General Valuation completed, Grand Jury Assessments to be assessed according to the final List of such Valuation.

LXXV. When the General Valuation of rateable Property has been or shall be completed in any County in Ireland, all Grand Jury Assessments to be made in such County shall be applotted and paid upon and in respect of the Property liable thereto by a Poundage Rate according to the net annual Value of the several Tenements and Hereditaments as set forth in the final List of such Valuation so completed, and when and so often as such Valuation shall be revised, under the Laws in force for the Purpose of such Revision, all such Assessments as aforesaid shall thenceforth be applotted and paid upon and in respect of such revised Valuation.

Tolls of Roads, &c. liable to Poor Rates to be liable to Grand Jury Rates and County Cess. 19 & 20 Vict. c. 63. s. 2.

LXXVI. All Tolls of Bridges, Railways, Canals, Gas and Water Works, and all other Hereditaments, Tenements, Premises, and Half Rents, which are liable to Rates for the Relief of the destitute Poor in Ireland, shall be liable to the Payment of Grand Jury Rates and County Cess, according to the annual Value thereof, or the Amount of Half Rent payable in respect thereof, as the Case may be, as contained in the final Lists of Valuation.

Applotment to be made by Secretary of Grand Jury.

LXXVII. Such Applotment shall be made by the Secretary of the Grand Jury of each County, anything of "The Grand Juries Act 1836" or any Act amending the same, to the contrary notwithstanding, and shall be entered in a Book signed by such Secretary, and by him kept open in his Office at all reasonable Times for public Inspection; and in making such Applotment by such Poundage Rate it shall not be necessary to take into account any smaller Fraction than the One Fourth of a Penny in the Pound; and wherever it should occur that the Poundage Rate has to be applotted on a less Amount of Value than *One Pound*, it shall not be necessary to take into account any smaller Amount of Value than *One Eighth of a Pound;* and no Rate or Assessment so made or applotted shall be vitiated or affected by reason of any Excess, Deficiency, or Difference between any Sum or Sums authorized to be applotted or raised and the Sum or Sums actually applotted, provided that the same shall have arisen from such Fraction of One Fourth of a Penny, or from no smaller Value than *One Eighth of a Pound* being rated.

Secretary of Grand Jury to deliver Copy of Applotment to Collectors of County Cess, who shall pay Collections to Finance Committee.

LXXVIII. The Secretary of the Grand Jury of each County in which the Grand Jury Assessments have been applotted under this Act shall, within *Two* Months after he shall have received from the Clerk of the Crown the Copies of the Presentments of the preceding Assizes, make out and deliver to each Collector a fair Copy of so much of such Applotment as shall relate to the Barony, Division, or other District within which such Collector shall be authorized to collect Grand Jury or County Cess, and the Finance Committee of

such County shall annex thereto, under their Hand and Seal, a Warrant authorizing such Collector to collect and levy the respective Sums in such Copy mentioned, and upon Receipt thereof such Collector shall and may proceed to collect, levy, and enforce Payment thereof, and shall lodge the Amount collected from Time to Time in the Bank with which the Finance Committee of the County shall have their public Account, to the Credit of such Finance Committee, and shall not at any Time retain in his Hands more than One hundred Pounds, but shall lodge the same in such Bank with all convenient Expedition; and in all Actions and Proceedings for Recovery of or in relation to any Assessment made or applotted under the Provisions of this Act, the original Applotment Book, or the Copy of so much thereof as shall be delivered by any Secretary of the Grand Jury to any Collector of Grand Jury or County Cess, shall be received and taken, without further Proof or Oath, as primâ facie Evidence of the due making of the Assessment and Applotment therein mentioned, and of the several other Matters and Statements therein respectively contained and set forth; and in the Absence of such Applotment or collecting Book a Copy of such Applotment Book, or of so much thereof as shall relate to the Assessment in question, certified by such Secretary, shall be in like Manner received and taken as primâ facie Evidence of the several Matters aforesaid; and each such Secretary with whom such Applotment Book shall be deposited shall furnish certified Copies thereof or Extracts therefrom to any Person requiring the same, upon being paid *One Shilling* for the first Seventy-two Words and *Three Halfpence* for every succeeding Seventy-two Words contained in each Copy or Extract.

In Actions as to Assessments Applotment Book, &c. to be Evidence.

Copies of Applotment Book to be furnished when required.

Grand Jury to present Amount of Expenses of Applotment. 19 & 20 Vict. c. 63. s. 5.

LXXIX. When the Secretary of the Grand Jury or other Officer of any County, with the Sanction of the Grand Jury, shall have incurred or shall incur any necessary and proper Expenses in making such Applotment, for Payment of which no Provision is made by Law, it shall be lawful for the Grand Jury, without previous Application to Presentment Sessions, to present, to be raised off and paid by such County, all such necessary and proper Expenses as aforesaid, including the Expense of providing and preparing such Books and Copies as aforesaid, as such Grand Jury may deem reasonable.

Grand Jury may represent Sums uncollected by reason of Change of Boundaries, &c. 19 & 20 Vict. c. 63. s. 86.

LXXX. Where Sums have been or shall hereafter be presented by any Grand Jury, and applotted on any Houses, Tenements, or Hereditaments, and where, owing to the Alteration of Boundaries or other Causes, it has been or may be found impossible to collect the Sums applotted on such Houses, Tenements, or Hereditaments respectively, or the Occupiers thereof, it shall be lawful for the Grand Jury, without any previous Application to Presentment Sessions, to re-present

sent all such Sums so remaining unpaid to be paid by the several and respective Townlands, Baronies, or Half Baronies within which the Houses, Tenements, or Hereditaments on which or in respect whereof the Sums remaining unpaid have been or shall hereafter be so applotted as aforesaid shall be situate: Provided always, that in all Cases where the Houses, Tenements, or Hereditaments so charged as aforesaid can be traced out or identified, such Sums so remaining due on such Houses, Tenements, or Hereditaments shall be re-presented thereon: Provided also, that no such Presentment shall in any Case be made by the said Grand Jury without previous Examination on Oath (which Oath may be administered by the Foreman of the said Grand Jury, or any Member thereof, in the Presence of the said Grand Jury,) as to the Inability of the Collector to levy same, owing to the Insolvency of the Parties chargeable therewith, or to the Difficulty of tracing out or identifying such Houses, Tenements, or Hereditaments, or other sufficient Cause, notwithstanding all reasonable Exertions having been made by the Collector of such Arrears to enforce Payment thereof, and also that a List or Schedule of such Arrears, and of the Houses, Tenements, or Hereditaments upon which or in respect whereof the Sums remaining unpaid have been applotted, and of the Names of the Parties chargeable therewith, has been duly posted by such Collector at the usual Place for posting Notices for Presentments within the Barony, Division, or other District within which such Collector shall be authorized to collect Grand Jury or County Cess, Ten Days at least previous to the First Day of the Assizes at which the said Sums are intended to be re-presented; and it shall be competent for any Parties interested to object to the Re-presentment of such Sums, or any Part thereof, and the Grand Jury shall hear the Objections of such Parties, upon their applying to be heard, before the Re-presentment is made.

No Proceedings for Arrears against Persons not primarily liable to be commenced after Two Years. 19 & 20 Vict. c. 63. s. 7.

LXXXI. With reference to any Sums of Grand Jury Cess to be presented after the passing of this Act, it shall not be lawful to commence any Proceeding for the Recovery of any Sum in arrear or unpaid against any Person not primarily liable to pay the same, after the Expiration of *Two* Years from the Date of the original Presentment thereof, anything in this or any former Act to the contrary notwithstanding.

Grand Juries may divide Baronies for Purposes of Collection. 19 & 20 Vict. c. 63. s. 8.

LXXXII. In any Case in which, from the Extent or other Circumstances of a Barony, it may appear expedient to divide the same for the Purpose of Collection, it shall and may be lawful for the Grand Jury to make a Presentment for the Purpose of effecting such Division, setting forth in such Presentment the Parishes or Townlands constituting such Divisions or Portions of the Barony; and when such

Presentment shall be fiated by the Court, the Parishes or Townlands set forth therein shall, for all Purposes belonging to the Duties or Functions of the Collector, be taken to be separate Portions of the Barony; and it shall be lawful for the Grand Jury, if they shall think fit, to appoint One Collector for every such Portion of a Barony, and the Collector so appointed for a Portion of a Barony shall be subject to all the Provisions and have all the Powers in force by Law with regard to the Collector of any Barony.

Grand Jury may allow Poundage Rate for Collection not exceeding 1*s.* in the Pound.

LXXXIII. It shall and may be lawful for the Grand Jury of any County from Time to Time to present, to be paid to each or any of the Collectors of Grand Jury Cess in said County, such Rates of Poundage for the Collection of Grand Jury Cess as they shall think fit, not exceeding *One Shilling* in the Pound on the Amount of the Collection, anything in any Act or Acts limiting such Poundage to a less Sum than *One Shilling* in the Pound to the contrary notwithstanding.

Grand Jury may accept more than Two Securities for Cess Collector. 19 & 20 Vict. c. 63. s. 11.

LXXXIV. It shall and may be lawful for the Grand Jury, if they shall so think fit, to accept Two or more than Two sufficient Securities, joining any Collector in a Bond as Securities for such Collector, in the Manner and under the Terms now by Law provided, anything in the Acts relating to the giving of such Security limiting the Number of such Sureties to the contrary notwithstanding.

Rates not to be affected by Errors, &c. in Valuation. 19 & 20 Vict. c. 63. s. 13.

LXXXV. No Rate or Assignment made or hereafter to be made shall be in any Manner affected by reason of any Omission of the Clerk of any Board of Guardians, or other Person appointed in his Place, to give or post the Notices of the making of such Valuation or Revision required to be posted or given by said several recited Statutes or any of them, or by reason of any Error, Omission, Misdescription, or Variance in the making of such Valuation or Revision; and it shall not be necessary in any Suit or other Proceeding for Recovery of or in relation to such Rate or Assessment or any Part thereof, or in relation to such Valuation or Revision thereof, to give Evidence of the Performance of any of the Preliminaries required in the making of such Valuation or Revision.

Personal Service of Notice requiring Payment to be deemed good Service. 19 & 20 Vict. c. 63. s. 15.

LXXXVI. Whereas Difficulties have of late presented themselves in Proceedings before Magistrates for Recovery of Grand Jury Cess, by reason of the Residences of Parties liable to the Payment thereof not being sufficiently known or capable of Proof: Be it enacted, That, in addition and without Prejudice to the Remedies provided by Law for Recovery of Grand Jury Cess, personal Service of Notice requiring Payment on the Party so liable shall be deemed and considered

sidered to be good and sufficient Service, anything to the contrary in anywise notwithstanding.

Penalty on Road Contractor, &c. cutting Sods, &c. to Injury of public Roads.

LXXXVII. Whereas by "The Summary Jurisdiction (Ireland) Act, 1851," Provision is made for the Punishment of Offences on or relating to public Roads in Ireland: And whereas it is expedient to make further Provision for the Protection of such Roads from Injury: Be it enacted, That any Road Contractor or other Person who, without the Authority of a Presentment or the Consent of the County Surveyor, shall cut any Sods or Turf on the Sides, Fences, or any other Part of any public Road, or dig, raise, or carry away any Sods, Turf, Earth, Clay, Stones, Gravel, or other Material from the Sides or Fences or any other Part of any public Road, Bridge, or Wall, shall be liable to a Fine not exceeding *Forty Shillings*, anything in Section Nine of the said "Summary Jurisdiction (Ireland) Act, 1851," to the contrary notwithstanding.

Act to extend to Ireland only, and not to County or County of City of Dublin.

LXXXVIII. This Act shall extend to Ireland only, and shall not extend to the County or the County of the City of Dublin.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

OF ACTS AND PARTS OF ACTS REPEALED.

Date of Act.	Title.	Extent of Repeal.
6 & 7 W. 4. c. 116. -	An Act to consolidate and amend the Laws relating to the Presentment of Public Monies by Grand Juries in Ireland.	Sections 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 20, 22, 23, 24, 26, 39, 40, 41, 43, 47, 53, 54, 55, 56, 80, 116, 117, 119, 128, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 148, 149, 150, 151, 152, and 153 in the Copy printed by Her Majesty's Printers.
7 W. 4. c. 2. - -	An Act to amend an Act passed in the Seventh Year of His present Majesty for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in Ireland.	Section 3 in the Copy printed by Her Majesty's Printers.
20 & 21 Vict. c. 15. -	An Act to amend the Act of the Sixth and Seventh Years of King William the Fourth, Chapter One hundred and sixteen, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in Ireland.	The whole.

SCHEDULE (B.)

TABLE of Classification of Counties, Counties of Cities, and Counties of Towns, and Salaries of County Surveyors.

—	Counties.			Counties of Cities.	Counties of Towns.	—
	Class 1. £	Class 2. £	Class 3. £	Class 4. £	Class 5. £	Class 1. comprehends the Counties of East Cork, Down, Antrim, Kerry, Clare, Wexford, West Cork, South Tipperary, Londonderry, and Meath. Class 2. comprehends the Counties of Roscommon, Waterford, Armagh, Kilkenny, North Tipperary, North Donegal, West Galway, Wicklow, Cavan, East Galway, Fermanagh, South Tyrone, Queen's, Sligo, North Tyrone, and Kildare. Class 3. comprehends the Counties of Monaghan, East Limerick, South Donegal, Westmeath, King's, North Mayo, Leitrim, South Mayo, West Limerick, Louth, Carlow, and Longford. Class 4. comprehends the Counties of Cities of Limerick, Waterford, Cork, and Kilkenny. Class 5. comprehends the Counties of Towns of Carricfergus, Galway, and Drogheda.
Salaries of County Surveyors -						
Salaries of Secretaries of Grand Juries - -						

SCHEDULE (C.)

GRAND JURY CESS.

No. [*here insert Number of Cesspayers in Applotment Book*].

ELECTION of CESSPAYERS to be associated with the Justices at Presentment Sessions.

I *A·B.*, of, *&c.* [*here insert Name, Address, and Addition of Cesspayer*] being a Cesspayer of the Barony [*or* Half Barony *or* County of the City *or* County of the Town, *as the Case may be*] of [*here insert Name of Barony or Half Barony or County of a City or County of a Town*], and having paid Grand Jury Rates or Cess for or in respect of Lands occupied by me in such Barony [*or* Half Barony *or* County of a City *or* County of a Town], (under the last Applotment made previous to this Date,) of the net annual Value of [*here insert annual Value, not being less than Five Pounds*], do give my Vote for the following qualified Cesspayers to be associated with the Justices at Presentment Sessions

to be held for this Barony [*or* Half Barony *or* County of a City *or* County of a Town].

[*Here insert Names, Addresses, and Additions of the Cesspayers voted for*].

Dated this Day of 18 .

(Signed)

N.B.—The Number of Cesspayers determined by the Grand Jury to be associated with the Justices for the Barony [*or* Half Barony *or* County of a City *or* County of a Town] [*here insert Name of Barony or Half Barony or Half Barony or County of a City or County of a Town, as the Case may be,*] is [*here insert Number of Cesspayers to be elected*].

No Person is eligible to be associated with the Justices at Presentment Sessions who is not a Male of full Age in actual Occupation of Lands, Tenements, or Hereditaments situate in the Barony [*or* Half Barony *or* County of a City *or* County of a Town, *as the Case may be*], and who, not being in Holy Orders, nor any Minister of Religion, and not being a Justice of the Peace, shall have paid Grand Jury Rates or Cess for or in respect of Lands, Tenements, or Hereditaments actually occupied by him in such Barony [*or* Half Barony, *&c.*] under the last Applotment to the Amount of Twenty Pounds or upwards.

The Voter is entitled to vote for such Number and no more. The Voter must write the Names, Addresses, and Additions of every Person for whom he votes, and must sign this Paper. If the Voter cannot write, he must affix his Mark, but such Mark must be attested and the Name of the Voter filled in by a Witness, and such Witness must write the Initials of the Voter against the Name of every Person for whom he intends to vote.

This Paper, when filled up and signed as aforesaid, is to be returned to the Secretary of the Grand Jury for the County of [*here insert Name of County or County of a City or County of a Town*], and may be forwarded, addressed to him, through the Post Office [*here insert how to be addressed*], so that the same by due Course of Post shall be delivered before [*here specify Time and Place when and where such Voting Paper is to be returned to the Secretary of the Grand Jury*], or delivered by the Voter, or by any Person authorized by him for such Purpose, before [*here state the Day and Hour appointed for collecting the Voting Papers*].

If all the above Regulations be not complied with the Vote will be lost.

and the Royal Deer therein removed or destroyed with all convenient Speed; it was enacted that the now-reciting Act should be carried into execution by Commissioners to be appointed as therein directed, and that the said Commissioners when appointed should proceed to ascertain the Boundaries of the said Forest of Hainault, and also of that Portion of the said Forest called the King's Forest or King's Woods, and that the said Commissioners, so soon as they should have ascertained the aforesaid Boundaries, should proceed to set out and allot to Her Majesty such Part or Parts of the said King's Woods as they should think a sufficient Compensation to Her Majesty for all Her Forestal Rights in and over the said Forest of Hainault, for Her Rights of Soil in the said King's Woods and in other the uninclosed Portions of the said Forest of Hainault, if any, for Her Right of Timber and other Trees, Bushes, and Underwood in the said Woods or elsewhere in the said Forest, and that such Allotment or Allotments, when made, should be vested in Her Majesty, Her Heirs and Successors, as Part of the Hereditary Possessions and Land Revenues of Her Crown, freed and discharged from all Right or Claims of Common of Pasture, Estovers, or Assignments of Fuel, Wood, and all other Rights and Claims whatsoever, and that on the making of such Award the said Forest of Hainault should be for ever disafforested, and that the Residue of the said King's Woods and all other Parts of the said Forest of Hainault (not then inclosed) should become the Property of the Queen's Majesty and the several Persons entitled to Rights of Common in and over the said Forest or any Part thereof, as they then were entitled to the same, freed and discharged from all Right of Soil, Rights of Timber, and all Forestal Rights of Her Majesty, Her Heirs and Successors; and in the said Act were contained Provisions for a Trial at Law between Sir Charles Hulse, Baronet, on the one hand, and Her Majesty's Attorney General and the Commissioners of Her Majesty's Woods on the other hand, for the Purpose of determining whether Her Majesty or the said Sir Charles Hulse was entitled to the Right of Soil in the said King's Woods or in some Portion thereof (which Right of Soil was claimed by the said Sir Charles Hulse), with Power for the Commissioners of Her Majesty's Woods to accept Proposals from the said Sir Charles Hulse for compromising the Matters in dispute, all which Compromises were by the said Act declared to be binding and conclusive, and if the Verdict in any such Trial as before mentioned should be in favour of the said Sir Charles Hulse, then the Commissioners under the Act now in recital were to set out and allot to the said Sir Charles Hulse so much and such Part of the Allotment thereinbefore directed to be set out to Her Majesty as the said Commissioners should by Writing under their Hands award to be a just Equivalent and Compensation for and in lieu of the Right of Soil claimed

claimed by the said Sir Charles Hulse, and to which he should appear entitled by such Verdict; and it was by the said Act enacted that nothing therein contained should in anywise extend to or prejudice the Title, Right, or Claim of Her Majesty to any Right of Common appended or appurtenant to any anciently inclosed Lands of Her Majesty, or the Title, Right, or Claim of Her Majesty, or any Person or Persons, to the inclosed Part of the said Forest of Hainault, or otherwise, as therein is mentioned: And whereas certain Commissioners were, in the Manner directed by the said recited Act, duly appointed for carrying the said Act into execution, and they did by their Award, bearing Date the Sixth Day of November One thousand eight hundred and fifty-two, in pursuance of the Powers of the said Act, ascertain and award the Boundaries of the said Forest of Hainault and of the said King's Forest or King's Woods, and which said Boundaries were described in their Award and the Map therein referred to, and by the said Award, after reciting that by an Instrument in Writing, dated the Twenty-sixth Day of August One thousand eight hundred and fifty-two, and made between the Commissioners of Her Majesty's Woods of the one Part, Her Majesty's Attorney General of the Second Part, and the said Sir Charles Hulse, Baronet, of the Third Part, it was among other things agreed that the Claim made by Sir Charles Hulse, therein and in this Act before mentioned, should be compromised, upon the Terms therein after contained, and that it should for the Purpose of such Compromise be considered that the said Sir Charles Hulse had proceeded to a Trial of the Action before mentioned, and had obtained a Verdict in his Favour, and that the said Commissioners should allot to Her Majesty the Lands coloured Red on the Plan therein referred to, and should allot to the said Sir Charles Hulse the Lands coloured Green on such Plan, the said Commissioners did set out and allot to Her Majesty certain Parts of the King's Forest or King's Woods containing One thousand nine hundred and seventeen Acres or thereabouts, and in the said Award mentioned, and the said Commissioners did declare what Portion of the said Allotment was by the said Compromise to become the Property of the said Sir Charles Hulse, and they did by their Award, so far as they had Power so to do, award and allot such Portion to the said Sir Charles Hulse, and other Parts of the said King's Woods, which on the Map referred to in the said Award are stated to contain in the whole Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches, remain unallotted and uninclosed: And whereas Her Majesty, in right of Her Crown, and divers of Her Majesty's Subjects, are or claim to be entitled to certain Rights of Common of Estovers or of cutting Wood for Fuel commonly called Fuel Assignments in the late Forest of Hainault: And whereas there are within the Boundary of the late Forest of Hainault, in addition to the Commonable Lands within that Part of the said Forest which is

situate within the Parishes of Barking and Dagenham, and usually known as the King's Woods, divers other Commonable Lands situate in various other Parishes, and Doubts exist whether the Queen's Majesty and the Persons possessing Rights of Common within the Boundaries of the said late Forest are entitled to exercise them over all Commonable Lands within the Boundaries of such Forest, or only over such as lie in the same Parish or District as the Lands in respect of which such Rights are claimed: And whereas it is expedient that Provision should be made for setting out a Part of the unallotted Portion of the King's Woods to the Queen's Majesty and other the Persons entitled to Common of Estovers or Fuel Assignments, and for dividing and allotting such Part between them in satisfaction of their said Rights, and it is also expedient to ascertain and define the Commonable Lands within the Boundaries of the said late Forest, to make such Provisions in respect thereof as are after contained, and that such other Provisions should be made as after mentioned: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appointment of a Commissioner.

I. The Provisions of this Act shall be carried into execution by a Commissioner to be appointed in Writing by Two of the Inclosure Commissioners for England and Wales for the Time being, within *Three* Calendar Months from the passing of this Act; and in case of the Death, Resignation, or Incapacity of such Commissioner, a new Commissioner shall be appointed in like Manner, as often as the same shall be necessary.

Power for the Commissioner to appoint a Surveyor.

II. It shall and may be lawful for the said Commissioner so to be appointed to appoint a Surveyor or Valuer for the Purposes of this Act; and the said Commissioner shall be paid such Sum of Money not exceeding *Two hundred Pounds* as the said Inclosure Commissioners shall think reasonable; and the said Surveyor or Valuer shall be paid such a Sum of Money by way of Remuneration as the said Inclosure Commissioners shall think reasonable.

Commissioner to make Allotments to Persons entitled to Fuel Assignments.

III. The Commissioner so to be appointed as aforesaid shall, immediately after his Appointment, ascertain and determine the Persons, including Her Majesty, respectively entitled to such Common of Estovers or Fuel Assignments, as herein-before recited, and shall estimate in the Manner herein-after directed the Value of such Rights at the Time of the passing of the said Act of the Fifteenth Year of Her present Majesty; and in estimating the Value at the Time

Time aforesaid of the said Rights of Common of Estovers or Fuel Assignments, the Commissioner shall have regard, not only to the Value of such Rights alone, but also to the Value of the other Rights of Common exerciseable over the Land subject to the said Fuel Assignments, and the Amount to which the other Rights of Common would be lessened in Value by the Exercise or Existence of the said Rights of Common of Estovers, and the Commissioner shall add such Amount to the Value of the said Fuel Assignments, and after such Addition the gross Amount shall be deemed to be the Value of such Assignments, in such Manner that the Value of the Fee Simple and Inheritance of the Land over which the said several Rights are exerciseable may be fairly and justly apportioned between the Owners of the said Rights of Common of Estovers or Fuel Assignments on the one hand, and the Owners of other Rights of Common on the other hand; and the Commissioner shall set out such Part of the unallotted Portion of the said King's Woods as he may consider equivalent to the Value of the said Fuel Assignments at the Time aforesaid, after deducting from such Value a fair and reasonable Proportion of the estimated Expense of the passing of this Act and of carrying the same into execution, and shall allot and divide the same Part in Severalty by his Award under his Hand and Seal unto and among the Queen's Majesty and other the Persons respectively entitled to such Rights, in proportion to the Extent or Value of such Rights respectively, and the said Allotments shall respectively go and be held with and as Part of the Hereditaments in respect of which such Fuel Assignments exist; and the same Award shall be accompanied by a Plan defining the Situation and Extent of the Allotment made to every Person entitled to a Fuel Assignment; and any Allotments to be made to Her Majesty, Her Heirs and Successors, shall go and be held as by the said recited Act is provided with respect to the Allotment thereby directed to be made to Her; and from and after such Award shall be made all the Commonable Lands in the said late Forest shall be discharged from all such Rights of Common of Estovers or Fuel Rights in all respects whatsoever; and for the Purpose of ascertaining the Right or Title to the said Fuel Assignments the said Commissioner may hear or receive such Evidence, at such Time and in such Manner as he may think fit to require; and the Award of the said Commissioner shall be binding on all Parties; and the Commissioner may call for the Production of any Books, Papers, or Writings, or require the Attendance of any Witness, and examine him or her upon Oath, as he may think fit; and the said Commissioner may by his said Award give such Directions as to the fencing of the said Allotments to be made as aforesaid and the keeping the same in repair as he shall think fit.

Power for the Commissioner to sell Land for Expenses.

IV. The said Commissioner may, with the Consent of the Inclosure Commissioners, to be signified in Writing under the Hand of One of such Commissioners, sell any Part of the said unallotted Lands in the King's Woods, containing, according to the said Award and Map, Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches, which may not be set apart by him as the Portion to be allotted in respect of the said Fuel Assignments, as he may think necessary for the Purpose of defraying the Expenses of the passing of this Act of Parliament and the Expenses of carrying this Act into execution, and any such Sale may be made before the Allotment shall have been actually made in respect of such Fuel Assignments, and may be made by Public Auction or Private Contract, and subject to any Provisions or Stipulations as to fencing or otherwise, as the said Commissioners shall think fit; and any Parts so sold shall be conveyed by the said Commissioner to the Purchasers, or as they shall direct; and no Purchaser shall inquire as to the Title to the said Part so sold, or as to the Amount of the Money necessary to be raised by any such Sale; and the Receipts of the said Commissioner shall be good Discharges to the Purchasers for the Purchase Monies; and the Monies shall, when received, be applied, under the Direction of the said Inclosure Commissioners, in the paying the Costs and Expenses herein-before mentioned, and if there should be any Surplus the same shall be applied as the said Inclosure Commissioners shall direct.

The Commissioner to cause a Plan to be made of the Commonable Lands in Hainault Forest.

V. The said Commissioner shall cause a Plan or Plans to be made, showing what Commonable Lands there are now situate within the Boundaries of the said late Forest, other than the Commonable Lands within the Boundaries of the King's Woods, as such several Boundaries are respectively defined by the Award of the said Commissioners and the Plan therein referred to, and the Plan so to be made shall also show the said unallotted Lands containing Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches in the King's Woods, and what Portions thereof have been allotted to the said Fuel Rights, and have been sold under the Power by this Act given, and in making such Plan the said Commissioner is to adopt as far as in his Opinion is practicable the Plan made by the said Commissioners under the said recited Act; and further the said Commissioner shall ascertain and determine by his said Award whether the Rights of Common, other than the said Fuel Rights, in the said late Forest of Hainault, extend indiscriminately over all the said Commonable Lands which he may find to be situate within the Boundaries of the said late Forest, including the unallotted Portion of the King's Woods containing Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches, or whether such Rights are limited to the Commons in the particular

particular Parish, District, or Place in which are situate the Lands in respect of which the Rights are claimed, or what is the Nature of such Rights; and in case the said Commissioner shall find that the Rights of Common are exerciseable generally over all the Commonable Lands within the said late Forest, then the said Commissioner shall by his Award set out a specific Portion of the said Commonable Lands to each Parish, District, or Place in which the Inhabitants have Rights of Common as and for a Common for such Parish, District, or Place, and thenceforth the Right of such Parish, District, or Place, or of the Persons therein entitled to any such Rights of Common, shall, as regards such Rights of Common, be confined to such specific Portion so set out and apportioned as aforesaid, and in lieu of the general Right of Common over the whole of the uninclosed Lands aforesaid; and all Rights of Intercommonage shall upon the Execution of the Commissioner's Award cease and determine, and such Allotments of specific Rights of Common in respect of each such Parish, District, or Place shall be made with reference to the whole Amount of Commonable Land, and the Extent of the Rights of the Commoners in respect of each such Parish, District, or Place for which an Allotment shall be so made as aforesaid; and for all or any of the Purposes aforesaid the said Commissioner may hear or receive such Evidence at such Time and Place and in such Manner as he may think fit; and the Commissioner may call for the Production of any Books, Papers, or Writings, and require the Attendance of any Witness, and examine him or her upon Oath, as he may think fit; and his Decision in the Premises shall be final and binding on all Parties; and the said Commissioner shall have Power to cause such Fences, if any, as he may think fit, to be made between the different Commonable Lands to be allotted to different Parishes, Districts, or Places, and to direct how and by whom such Fences shall be kept in repair, and the Expenses of making such Fences shall be taken as Part of the Costs of carrying this Act into execution; and the Commissioner shall have regard to the Costs of any Fences which he may think fit to be made in considering the Extent of the Commonable Land to be allotted to each such Parish, District, or Place, so that the estimated Cost of erecting such Fences (which Expenses will be defrayed out of the Proceeds of the Sale of Land in the King's Woods) shall be taken as Part of the Value of each Allotment: All Encroachments made since the Award of the Commissioner under the said recited Act on any Part of the said unallotted Lands containing by Estimation Nine hundred and sixty-nine Acres, Three Roods and Seventeen Perches, within the Boundaries of the King's Woods, and all Encroachments made within *Twenty* Years before the passing of this Act on any Commonable Lands within other Parts of the said late Forest than the King's

Woods, shall be deemed Part of the Lands to be allotted and awarded under this Act.

Power of Appeal.

VI. In case any Person shall be dissatisfied with any Decision of the Commissioner in reference to the Nature of any of the Rights of Common which he is by the last preceding Section of this Act directed to ascertain and determine, or as to the Lands over which such Rights extend or are exerciseable, or to which they are limited, the Commissioner shall, on the Application of the Person so dissatisfied, prepare a Case to be submitted to Her Majesty's Court of Common Pleas, to be argued before and decided on by the said Court; and the Judgment and Determination of such Court shall be taken as the Judgment of the Commissioner.

No Allotment or Consent in respect of the Soil to be made or given to the Inclosure of Land in the King's Woods.

VII. Notwithstanding anything contained in any Act relating to the Inclosure of Land, it shall not, in any Proceeding before the said Inclosure Commissioners or otherwise, for the Inclosure or Appropriation as a regulated Pasture of any Part of the King's Woods aforesaid which may under the Provisions of this Act in manner aforesaid have been allotted as Commonable Lands for any such Parish, District, or Place as aforesaid, be necessary to procure the Consent of Her Majesty or any other Person claiming any Right or Interest in the Soil of the Lands to be inclosed, either as Lord or otherwise; and the whole of any such Lands which may have been allotted to any Parish, District, or Place as Commonable Lands shall be allotted to and amongst the Persons entitled to Rights of Common over the same, and according to their several Rights of Common, and without making any Allotment to the Lord or other Person claiming any Interest in the Soil; and after the Execution of the Award by this Act directed to be made, neither the Queen's Majesty nor any other Person shall be entitled to exercise any other Right than a Right of Common of Pasture in, upon, or over the Portion of the King's Woods containing Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches, and which was not allotted under the Award made pursuant to the recited Act.

Award to be made in Three Years.

VIII. The said Commissioner shall make his Award in Writing as regards all the Matters and Things hereby by him directed to be done within *Three* Years from the passing of this Act; and such Award shall be executed in Duplicate, and one Part thereof shall be deposited at the Office of Land Revenue Records and Inrolments, and the other Part thereof shall be deposited with the Clerk of the Peace for the said County of Essex, there to remain, and to be examined by all Persons at all reasonable Times, on Payment of a Fee of *One Shilling* for each Examination.

IX. The

Power for Commissioner to examine Witnesses on Oath.

IX. The said Commissioner may examine upon Oath or upon Declaration, as he may think fit, all such Persons as may attend before him for the Purpose of giving Evidence upon any Matter or Proceeding under the Authority of this Act, and for that Purpose may administer or receive Oaths or Declarations: If any Person or Persons examined on his or their Declaration, under the Provisions of this Act, shall wilfully give false Evidence, or shall make or subscribe a false Declaration, he shall be guilty of Perjury in case he shall have been sworn, or of a Misdemeanor if he shall have made a Declaration.

Saving Rights under Disafforestation Act.

X. Nothing herein contained shall authorize the Commissioner in any Manner to deal or interfere with any Lands which were allotted to Her Majesty or to any other Person by the Award made under the said recited Act of the Fifteenth Year of the Reign of Her present Majesty, or with any other inclosed Lands in the Possession of Her Majesty or Her Lessees or Tenants.

Short Title.

XI. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "Hainault Forest (Allotment of Commons) Act, 1858."

Hainault Forest
(Allotment of Commons).

A

BILL

To provide for the Allotment of the Commonable Lands within the Boundaries of the late Forest of Hainault in the County of Essex.

(Prepared and brought in by Mr. Hamilton and Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
13 *April* 1858.

[Bill 45.]

Under 2 oz.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Provide for the Allotment of the Commonable Lands within the Boundaries of the late Forest of Hainault in the County of Essex.

[*The Clauses marked* A. *and* B. *were added by the Select Committee.*]

WHEREAS by an Act passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of Her Majesty's Reign, intituled "An Act for disafforesting the Forest of "Hainault in the County of Essex," after reciting (amongst other things) that the Queen's most Excellent Majesty, in right of Her Crown, was or claimed to be seised to Herself, Her Heirs and Successors, of and in Waltham Forest, formerly called the Forest of Essex in the County of Essex, One Portion of which was usually called or known by the name of Hainault Forest; and reciting that Her Majesty, in right of Her Crown, was or claimed to be seised to Herself, Her Heirs and Successors, of the Soil of that Portion of the said Forest of Hainault which was commonly called the King's Forest or King's Woods, and of the Timber and other Trees, Bushes, and Underwood standing and growing thereon, and that the said Forest of Hainault was subject to divers Claims or Rights of Common and other Rights and Interests of Her Majesty's Subjects in and over the same, and that Her Majesty had been graciously pleased to signify Her Consent that the said Forest of Hainault should be disafforested, Preamble.

and the Royal Deer therein removed or destroyed with all convenient Speed; it was enacted that the now-reciting Act should be carried into execution by Commissioners to be appointed as therein directed, and that the said Commissioners when appointed should proceed to ascertain the Boundaries of the said Forest of Hainault, and also of that Portion of the said Forest called the King's Forest or King's Woods, and that the said Commissioners, so soon as they should have ascertained the aforesaid Boundaries, should proceed to set out and allot to Her Majesty such Part or Parts of the said King's Woods as they should think a sufficient Compensation to Her Majesty for all Her Forestal Rights in and over the said Forest of Hainault, for Her Rights of Soil in the said King's Woods and in other the uninclosed Portions of the said Forest of Hainault, if any, for Her Right of Timber and other Trees, Bushes, and Underwood in the said Woods or elsewhere in the said Forest, and that such Allotment or Allotments, when made, should be vested in Her Majesty, Her Heirs and Successors, as Part of the Hereditary Possessions and Land Revenues of Her Crown, freed and discharged from all Right or Claims of Common of Pasture, Estovers, or Assignments of Fuel, Wood, and all other Rights and Claims whatsoever, and that on the making of such Award the said Forest of Hainault should be for ever disafforested, and that the Residue of the said King's Woods and all other Parts of the said Forest of Hainault (not then inclosed) should become the Property of the Queen's Majesty and the several Persons entitled to Rights of Common in and over the said Forest or any Part thereof, as they then were entitled to the same, freed and discharged from all Right of Soil, Rights of Timber, and all Forestal Rights of Her Majesty, Her Heirs and Successors; and in the said Act were contained Provisions for a Trial at Law between Sir Charles Hulse, Baronet, on the one hand, and Her Majesty's Attorney General and the Commissioners of Her Majesty's Woods on the other hand, for the Purpose of determining whether Her Majesty or the said Sir Charles Hulse was entitled to the Right of Soil in the said King's Woods or in some Portion thereof (which Right of Soil was claimed by the said Sir Charles Hulse), with Power for the Commissioners of Her Majesty's Woods to accept Proposals from the said Sir Charles Hulse for compromising the Matters in dispute, all which Compromises were by the said Act declared to be binding and conclusive, and if the Verdict in any such Trial as before mentioned should be in favour of the said Sir Charles Hulse, then the Commissioners under the Act now in recital were to set out and allot to the said Sir Charles Hulse so much and such Part of the Allotment thereinbefore directed to be set out to Her Majesty as the said Commissioners should by Writing under their Hands award to be a just Equivalent and Compensation for and in lieu of the Right of Soil claimed

claimed by the said Sir Charles Hulse, and to which he should appear entitled by such Verdict; and it was by the said Act enacted that nothing therein contained should in anywise extend to or prejudice the Title, Right, or Claim of Her Majesty to any Right of Common appended or appurtenant to any anciently inclosed Lands of Her Majesty, or the Title, Right, or Claim of Her Majesty, or any Person or Persons, to the inclosed Part of the said Forest of Hainault, or otherwise, as therein is mentioned: And whereas certain Commissioners were, in the Manner directed by the said recited Act, duly appointed for carrying the said Act into execution, and they did by their Award, bearing Date the Sixth Day of November One thousand eight hundred and fifty-two, in pursuance of the Powers of the said Act, ascertain and award the Boundaries of the said Forest of Hainault and of the said King's Forest or King's Woods, and which said Boundaries were described in their Award and the Map therein referred to, and by the said Award, after reciting that by an Instrument in Writing, dated the Twenty-sixth Day of August One thousand eight hundred and fifty-two, and made between the Commissioners of Her Majesty's Woods of the one Part, Her Majesty's Attorney General of the Second Part, and the said Sir Charles Hulse, Baronet, of the Third Part, it was among other things agreed that the Claim made by Sir Charles Hulse, therein and in this Act before mentioned, should be compromised, upon the Terms therein after contained, and that it should for the Purpose of such Compromise be considered that the said Sir Charles Hulse had proceeded to a Trial of the Action before mentioned, and had obtained a Verdict in his Favour, and that the said Commissioners should allot to Her Majesty the Lands coloured Red on the Plan therein referred to, and should allot to the said Sir Charles Hulse the Lands coloured Green on such Plan, the said Commissioners did set out and allot to Her Majesty certain Parts of the King's Forest or King's Woods containing One thousand nine hundred and seventeen Acres or thereabouts, and in the said Award mentioned, and the said Commissioners did declare what Portion of the said Allotment was by the said Compromise to become the Property of the said Sir Charles Hulse, and they did by their Award, so far as they had Power so to do, award and allot such Portion to the said Sir Charles Hulse, and other Parts of the said King's Woods, which on the Map referred to in the said Award are stated to contain in the whole Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches, remain unallotted and uninclosed: And whereas Her Majesty, in right of Her Crown, and divers of Her Majesty's Subjects, are or claim to be entitled to certain Rights of Common of Estovers or of cutting Wood for Fuel commonly called Fuel Assignments in the late Forest of Hainault: And whereas there are within the Boundary of the late Forest of Hainault, in addition to the Commonable Lands within that Part of the said Forest which is

situate within the Parishes of Barking and Dagenham, and usually known as the King's Woods, divers other Commonable Lands situate in various other Parishes, and Doubts exist whether the Queen's Majesty and the Persons possessing Rights of Common within the Boundaries of the said late Forest are entitled to exercise them over all Commonable Lands within the Boundaries of such Forest, or only over such as lie in the same Parish or District as the Lands in respect of which such Rights are claimed: And whereas it is expedient that Provision should be made for setting out a Part of the unallotted Portion of the King's Woods to the Queen's Majesty and other the Persons entitled to Common of Estovers or Fuel Assignments, and for dividing and allotting such Part between them in satisfaction of their said Rights, and it is also expedient to ascertain and define the Commonable Lands within the Boundaries of the said late Forest, to make such Provisions in respect thereof as are after contained, and that such other Provisions should be made as after mentioned: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appointment of a Commissioner.

I. The Provisions of this Act shall be carried into execution by a Commissioner to be appointed in Writing by Two of the Inclosure Commissioners for England and Wales for the Time being, within Three Calendar Months from the passing of this Act; and in case of the Death, Resignation, or Incapacity of such Commissioner, a new Commissioner shall be appointed in like Manner, as often as the same shall be necessary.

Power for the Commissioner to appoint a Surveyor.

II. It shall and may be lawful for the said Commissioner so to be appointed to appoint a Surveyor or Valuer for the Purposes of this Act; and the said Commissioner shall be paid such Sum of Money not exceeding Three hundred Pounds as the said Inclosure Commissioners shall think reasonable; and the said Surveyor or Valuer shall be paid such a Sum of Money by way of Remuneration as the said Inclosure Commissioners shall think reasonable.

Commissioner to make Allotments to Persons entitled to Fuel Assignments.

III. The Commissioner so to be appointed as aforesaid shall, immediately after his Appointment, ascertain and determine the Persons, including Her Majesty, respectively entitled to such Common of Estovers or Fuel Assignments, as herein-before recited, and shall estimate in the Manner herein-after directed the Value of such Rights at the Time of the passing of the said Act of the Fifteenth Year of Her present Majesty; and in estimating the Value at the Time

Time aforesaid of the said Rights of Common of Estovers or Fuel Assignments, the Commissioner shall have regard, not only to the Value of such Rights alone, but also to the Value of the other Rights of Common exerciseable over the Land subject to the said Fuel Assignments, and the Amount to which the other Rights of Common would be lessened in Value by the Exercise or Existence of the said Rights of Common of Estovers, in such Manner that the Value of the Fee Simple and Inheritance of the Land over which the said several Rights are exerciseable may be fairly and justly apportioned between the Owners of the said Rights of Common of Estovers or Fuel Assignments on the one hand, and the Owners of other Rights of Common on the other hand; and the Commissioner shall set out such Part of the unallotted Portion of the said King's Woods, estimated to contain Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches, as he may consider equivalent to the Value of the said Fuel Assignments at the Time aforesaid, after deducting from such Value a fair and reasonable Proportion of the estimated Expense of the passing of this Act and of carrying the same into execution, other than and except the Expenses of making the Fences between Allotments which the Commissioner is by this Act authorized to cause to be made, and except as herein-after provided with respect to the Cost of making and forming Roads, and shall allot and divide the same Part in Severalty by his Award under his Hand and Seal unto and among the Queen's Majesty and other the Persons respectively entitled to such Rights, in proportion to the Extent or Value of such Rights respectively, and the said Allotments shall respectively go and be held with and as Part of the Hereditaments in respect of which such Fuel Assignments exist, subject to such Conditions as to fencing or Rights of Way or otherwise as the Commissioner may think proper, but freed and discharged from all Rights of Common and other Rights; and the same Award shall be accompanied by a Plan defining the Situation and Extent of the Allotment made to every Person entitled to a Fuel Assignment; and any Allotments to be made to Her Majesty, Her Heirs and Successors, shall go and be held as by the said recited Act is provided with respect to the Allotment thereby directed to be made to Her; and from and after such Award shall be made all the Commonable Lands in the said late Forest shall be discharged from all such Rights of Common of Estovers or Fuel Rights in all respects whatsoever; and for the Purpose of ascertaining the Right or Title to the said Fuel Assignments the said Commissioner may hear or receive such Evidence, at such Time and in such Manner as he may think fit to require; and the Award of the said Commissioner shall be binding on all Parties; and the Commissioner may call for the Production of any Books, Papers,

or Writings, or require the Attendance of any Witness, and examine him or her upon Oath, as he may think fit; and the said Commissioner may by his said Award give such Directions as to the fencing of the said Allotments to be made as aforesaid and the keeping the same in repair as he shall think fit.

Power for the Commissioner to sell Land for Expenses.

IV. The said Commissioner may, with the Consent of the Inclosure Commissioners, to be signified in Writing under the Hand of One of such Commissioners, sell any Part of the said unallotted Lands in the King's Woods, containing, according to the said Award and Map, Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches, which may not be set apart by him as the Portion to be allotted in respect of the said Fuel Assignments, as he may think necessary for the Purpose of defraying the Expenses of the passing of this Act of Parliament and the Expenses of carrying this Act into execution, and any such Sale may be made before the Allotment shall have been actually made in respect of such Fuel Assignments, and may be made by Public Auction or Private Contract, and subject to any Provisions or Stipulations as to fencing, Rights of Way, or otherwise, as the said Commissioners shall think fit; and any Parts so sold shall be conveyed by the said Commissioner to the Purchasers, or as they shall direct; and no Purchaser shall inquire as to the Title to the said Part so sold, or as to the Amount of the Money necessary to be raised by any such Sale; and the Receipts of the said Commissioner shall be good Discharges to the Purchasers for the Purchase Monies; and the Monies shall, when received, be applied, under the Direction of the said Inclosure Commissioners, in the paying the Costs and Expenses herein-before mentioned, and if there should be any Surplus the same shall be applied as the said Inclosure Commissioners shall direct.

The Commissioner to cause a Plan to be made of the Commonable Lands in Hainault Forest.

V. The said Commissioner shall cause a Plan or Plans to be made, showing what Commonable Lands there are now situate within the Boundaries of the said late Forest, other than the Commonable Lands within the Boundaries of the King's Woods, as such several Boundaries are respectively defined by the Award of the said Commissioners and the Plan therein referred to, and the Plan so to be made shall also show the said unallotted Lands containing Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches in the King's Woods, and what Portions thereof have been allotted to the said Fuel Rights, and have been sold under the Power by this Act given, and in making such Plan the said Commissioner is to adopt as far as in his Opinion is practicable the Plan made by the said Commissioners under the said recited Act; and further the said Commissioner shall ascertain and determine by his said Award whether the Rights of Common,

other

other than the said Fuel Rights, in the said late Forest of Hainault, extend indiscriminately over all the said Commonable Lands which he may find to be situate within the Boundaries of the said late Forest, including the unallotted Portion of the King's Woods containing Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches, or whether such Rights are limited to the Commons in the particular Parish, District, or Place in which are situate the Lands in respect of which the Rights are claimed, or what is the Nature of such Rights; and in case the said Commissioner shall find that the Rights of Common are exerciseable generally over all the Commonable Lands within the said late Forest, or if the Commissioner shall find that Inhabitants of the Parishes in which the Commonable Lands in the King's Woods are situate are alone entitled to Rights of Common over such Lands, then the said Commissioner shall by his Award set out a specific Portion of the said Commonable Lands to each Parish, District, or Place in which the Inhabitants have Rights of Common as and for a Common for such Parish, District, or Place, and thenceforth the Right of such Parish, District, or Place, or of the Persons therein entitled to any such Rights of Common, shall, as regards such Rights of Common, be confined to such specific Portion so set out and apportioned as aforesaid, and in lieu of the general Right of Common over the whole of the uninclosed Lands aforesaid; and all Rights of Intercommonage shall upon the Execution of the Commissioner's Award cease and determine, and such Allotments of specific Rights of Common in respect of each such Parish, District, or Place shall be made with reference to the whole Amount of Commonable Land, and the Extent of the Rights of the Commoners in respect of each such Parish, District, or Place for which an Allotment shall be so made as aforesaid; and for all or any of the Purposes aforesaid the said Commissioner may hear or receive such Evidence at such Time and Place and in such Manner as he may think fit; and the Commissioner may call for the Production of any Books, Papers, or Writings, and require the Attendance of any Witness, and examine him or her upon Oath, as he may think fit; and his Decision in the Premises shall be final and binding on all Parties; and the said Commissioner shall have Power to cause such Fences, if any, as he may think fit, to be made between the different Commonable Lands to be allotted to different Parishes, Districts, or Places, and to direct how and by whom such Fences shall be kept in repair, and the Expenses of making such Fences shall be taken as Part of the Costs of carrying this Act into execution, except that no Part of such Expenses shall be chargeable upon the Allotments by this Act directed to be made to the Owners of Fuel Assignments; and the Commissioner shall have regard to the Costs of any Fences which he may think fit to be made in considering the Extent of the

Commonable Land to be allotted to each such Parish, District, or Place, so that the estimated Cost of erecting such Fences (which Expenses will be defrayed out of the Proceeds of the Sale of Land in the King's Woods) shall be taken as Part of the Value of each Allotment, and the Commissioner shall have Power to set out such Ways, and generally to make such Regulations with respect to the said Allotments, as he may deem expedient: All Encroachments made since the Award of the Commissioner under the said recited Act on any Part of the said unallotted Lands containing by Estimation Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches, within the Boundaries of the King's Woods, and all Encroachments made within Twenty Years before the passing of this Act on any Commonable Lands within other Parts of the said late Forest than the King's Woods, shall be deemed Part of the Lands to be allotted and awarded under this Act.

Power of Appeal.

VI. In case any Person shall be dissatisfied with any Decision of the Commissioner in reference to the Nature of any of the Rights of Common which he is by the last preceding Section of this Act directed to ascertain and determine, or as to the Lands over which such Rights extend or are exerciseable, or to which they are limited, the Commissioner shall, on the Application of the Person so dissatisfied, prepare a Case to be submitted to Her Majesty's Court of Common Pleas, to be argued before and decided on by the said Court; and the Judgment and Determination of such Court shall be taken as the Judgment of the Commissioner: Provided always, that no such Application shall be received by the Commissioner unless the same is made to him within One Calendar Month from the Time when the Decision to which it relates was given.

No Allotment or Consent in respect of the Soil to be made or given to the Inclosure of Land in the King's Woods.

VII. Notwithstanding anything contained in any Act relating to the Inclosure of Land, it shall not, in any Proceeding before the said Inclosure Commissioners or otherwise, for the Inclosure or Appropriation as a regulated Pasture of any Part of the King's Woods aforesaid which may under the Provisions of this Act in manner aforesaid have been allotted as Commonable Lands for any such Parish, District, or Place as aforesaid, be necessary to procure the Consent of Her Majesty or of any other Person claiming any Right or Interest in the Soil of the Lands to be inclosed, either as Lord or otherwise; and the whole of any such Lands which may have been allotted to any Parish, District, or Place as Commonable Lands shall be allotted to and amongst the Persons entitled to Rights of Common over the same, and according to their several Rights of Common, and without making any Allotment to the Lord or other Person claiming any Interest in the Soil; and after the Execution of the Award by this Act directed to be made, neither

neither the Queen's Majesty nor any other Person shall be entitled to exercise any other Right than a Right of Common of Pasture in, upon, or over the Portion of the said Lands containing Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches, which may not have been sold or allotted to the Owners of Fuel Assignments under the Provisions of this Act, unless and until the said Portion or any Part thereof shall have been inclosed under the Provisions of any General Act relative to the Inclosure of Land.

CLAUSE A. Power for the Commissioner to set out Roads.

VIII. The Commissioner may, if he shall so think fit, set out, and may also, if he shall so think fit, cause to be made any Road or Roads for the more convenient Occupation of any of the Allotments by this Act directed to be made, and may cause the same to be fenced, and the Cost of making and fencing any such Roads shall be deemed to be Part of the Costs of carrying this Act into execution, and the Commissioner may declare any of the said Roads to be public Highways, and the same shall in that Case, upon the Execution of the Commissioner's Award, become and be public Highways, and shall thereafter be maintained as such, and the Commissioner's Award shall be conclusive that the Roads therein mentioned have been duly set out and made and fenced as the Case may be; provided that the Cost of making and fencing any Road which shall be set out either wholly or partially, for the Convenience of any particular Allotment, shall be chargeable against such Allotment either wholly or in proportion with any other Allotment interested in the same Road, and the Extent of such Allotment shall be diminished proportionably.

CLAUSE B. Commissioner to set out an Allotment to Curate of Barkingside.

IX. The Commissioner shall set out and award a Portion containing Twenty Acres of the said unallotted Part of the King's Woods as and for Glebe Land to be annexed to the Ecclesiastical District Chapelry of Barkingside, and the same shall upon the Execution of the Commissioner's Award become and thenceforth shall continue annexed to the said District Chapelry as Glebe Land for the Use and Benefit of the Incumbent for the Time being of such Chapelry, and such Allotment shall thereupon be freed and discharged from all Rights of Common and other Rights, and shall be fenced in such Manner and by such Persons as the Commissioner may direct.

Award to be made in Three Years.

X. The said Commissioner shall make his Award in Writing as regards all the Matters and Things hereby by him directed to be done within Three Years from the passing of this Act; and such Award shall be executed in Duplicate, and one Part thereof shall be deposited at the Office of Land Revenue Records and Inrolments, and the other Part thereof shall be deposited with the Clerk of the

Peace for the said County of Essex, there to remain, and to be examined by all Persons at all reasonable Times, on Payment of a Fee of One Shilling for each Examination, and until the Commissioner has made his Award any Writing under his Hand shall be sufficient Existence of any Proceeding or Decision under the Provisions of this Act.

Power for Commissioner to examine Witnesses on Oath.

XI. The said Commissioner may examine upon Oath or upon Declaration, as he may think fit, all such Persons as may attend before him for the Purpose of giving Evidence upon any Matter or Proceeding under the Authority of this Act, and for that Purpose may administer or receive Oaths or Declarations: If any Person or Persons examined on his or their Oath or Declaration, under the Provisions of this Act, shall wilfully give false Evidence, or shall make or subscribe a false Declaration, he shall be guilty of Perjury in case he shall have been sworn, or of a Misdemeanor if he shall have made a Declaration.

Saving Rights under Disafforestation Act.

XII. Nothing herein contained shall authorize the Commissioner in any Manner to deal or interfere with any Lands which were allotted to Her Majesty or to any other Person by the Award made under the said recited Act of the Fifteenth Year of the Reign of Her present Majesty, or with any other inclosed Lands in the Possession of Her Majesty or Her Lessees or Tenants.

Short Title.

XIII. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "Hainault Forest (Allotment of Commons) Act, 1858."

Hainault Forest
(Allotment of Commons).

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To provide for the Allotment of the Commonable Lands within the Boundaries of the late Forest of Hainault in the County of Essex.

(*Prepared and brought in by Mr. Hamilton and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed*, 18 *May* 1858.

[Bill 93.]

Under 2 oz.

10 *June* 1858. 21 Vict.

A

B I L L

INTITULED

An Act for confirming a Scheme of the Charity Commissioners for Sir Eliab Harvey's Charity in the Town of Folkestone.

Preamble. 5th Report, dated 26th Feb. 1858.

WHEREAS the Charity Commissioners for England and Wales, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-seven, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for Sir Eliab Harvey's Charity in the Town of Folkestone, and such Scheme is set out in the Appendix to the said Report, and is also set out in the Schedule to this Act: And whereas it is expedient that the said Scheme should be confirmed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Scheme confirmed.

I. The said Scheme shall be confirmed and take effect.

SCHEDULE.

SCHEME

For the ADMINISTRATION of the CHARITY called "SIR ELIAB HARVEY'S CHARITY," at Folkestone, in the County of Kent.

1. The Charity shall be managed by the present and future trustees thereof, for the purposes and according to the provisions of this scheme, from the time herein-after appointed for its coming into operation.

2. The tan-house or tan-lade near the Stade at Folkestone, settled upon the trust that the same might be used in perpetuity by the freemen and other inhabitants of Folkestone, and the fishermen there, for tanning their nets, upon payment of certain sums to be applied to its repair and to the repair also of a farm-house at Lympne, in the same county, settled upon different charitable trusts, shall continue subject to the same trusts, except that the persons using the same shall make therefore such rateable payments only to the trustees as shall be required by them for its necessary repair, maintenance, and management. The trustees shall also be at liberty, in their discretion, to apply or set aside any sums of money, not exceeding altogether 5*l.* in any year, out of the rents of the said farm at Lympne, towards the expenses of the repair, maintenance, management, or improvement of the said tan-lade, and shall have power also to establish and enforce such reasonable orders for the government of the persons using the said tan-lade as in their judgment shall be necessary for securing or extending its benefit.

3. The former trusts for providing or appropriating any fisher-boats with the income of the Charity, and for apprenticing boys, otherwise than according to this scheme, shall cease, in order that the funds of the Charity may be more sufficient for the other beneficial purposes thereof to be hereby enlarged or established.

4. The school directed to be maintained out of the income of the Charity for teaching 20 poor children to write and read English, and (if willing) the Latin tongue, shall be open to so many boys, to be admitted thereto under the provisions of this scheme, as the income or funds from time to time applicable to the support thereof, and the sufficiency of the buildings and establishment of the said school, and other circumstances, shall, in the judgment of the trustees, permit or render expedient.

5. The instruction to be given in the said school shall comprise, besides reading and writing, the truths of the Christian religion and Scripture history, grammar, and English history and composition, the Latin and French languages, so far as shall be required by the trustees, arithmetic, algebra, and elementary mathematics, geography and the use of the globes, navigation, mapping, linear drawing, and land measuring, and such physical sciences most applicable to the industrial arts and occupations, and such other subjects, as shall from time to time be required by the trustees for giving to all the scholars a sound practical education, enabling them to advance themselves in life.

6. The religious instruction to be given generally to the scholars shall be in accordance with the doctrines of the Established Church, except that boys whose parents

parents or next friends shall object upon conscientious grounds to their receiving instruction in the catechism or distinctive doctrines of the Established Church, or attending its services, and shall claim for them in writing this exemption, shall be exempted from such instruction and attendance.

7. Subject to any different regulations which may from time to time be made by the trustees, with the assent of the mayor and aldermen of the borough of Folkestone, or, in case of difference, with the approval of the Board of Charity Commissioners for England and Wales, boys shall be admissible to the school at and after the age of eight years, and may remain therein until their completion of the age of sixteen years, or longer, with the special consent of the trustees.

8. The admission of boys and their removal shall belong to the trustees, under such regulations in this behalf as shall be established by them, with the assent of the said mayor and aldermen, or, in case of difference, with the approval of the said Board, a preference among applicants for admission being always given, cæteris paribus, to boys whose parents or next friends shall for the time being be inhabitants of the borough of Folkestone, and, as far as reasonably may be, to the sons of fishermen there; and a list of applicants for admission, in the order of their application, and stating their parentage, ages, and such other circumstances as shall be directed by the trustees, shall be kept by the master of the school, whose duty it shall be to receive such applications, and such list shall be open to examination by the trustees and the said mayor and aldermen, and every of them.

9. For providing sufficient funds in aid of the endowments for the maintenance and improvement of the school, and the reward and advancement of the scholars, such reasonable fees shall be paid by them as the trustees, with the assent of the said mayor and aldermen, or, in case of difference, with the approval of the said Board, shall from time to time require, not exceeding, for boys under the age of twelve years, the rate of 1*l.* per quarter, and for boys above that age, 2*l.* per quarter, such fees to be paid quarterly, in advance, and to be received by the master, or by such person as the trustees shall from time to time appoint, for their account and disposal; and the trustees shall pay one moiety of the net amount of such fees to the master for his use, and shall carry the other moiety thereof to the account of the school fund herein-after directed to be constituted by them; but the said fees may be remitted in any particular cases, wholly or partially, by the trustees and the said mayor and aldermen, or by the trustees, under any regulations established by them, with the assent o the said mayor and aldermen, or, in case of difference, with the approval of the said Board, to any number of scholars not exceeding ten at the same time, as a reward of superior merit, or on account of the comparative poverty of their parents or next friends, or for other sufficient reasons, and particularly to sons of fishermen resident in the said borough. The books and stationery required by the scholars shall be provided by themselves.

10. The master of the school shall be appointed and shall be also removable by the trustees and the said mayor and aldermen jointly, or, in case of difference, then by either of the said bodies, with the approval of the said Board.

11. The master shall be permitted to receive boarders or private pupils to be instructed in the school, under such regulations and upon such terms as shall be made or authorized by the trustees; but such boarders or private pupils shall be taught and placed in the school indifferently with the other scholars, without any distinction of their position, instruction, or treatment in the school.

12. One or more of the houses on the Charity estate near the school-house at Folkestone shall be appropriated therewith by the trustees to the master of the school for his residence and for the uses of the school; and the net rents and profits of all the residue of the said houses and premises which shall remain after paying or providing for all the rates, taxes, or expenses of repair, maintenance, and insurance, and other outgoings payable in respect of all the said buildings and premises, shall be paid to the master for his use.

13. The accumulation of the rents and profits of the said farm at Lympne, which has been commenced by the trustees for replacing a principal sum of 323*l.* belonging to the Charity, and heretofore expended in the repair and improvement of the Charity estate, shall be continued by the trustees by means of their appropriation to that purpose of the yearly sum of 20*l.* out of the same rents and profits and out of the income of the prior accumulations, until, by means of such accumulations, which already exceed the sum of 200*l.*, the whole of the said sum of 323*l.* shall be made up, unless, upon the representation of the trustees to the said Board that the interests of the Charity will be more beneficially promoted by suspending or determining such accumulations, the said Board shall authorize such suspension or determination.

14. The amount of all such accumulations, or so much thereof as shall not be otherwise applied under the following provisions, shall be invested by the trustees, with the approval of the said Board, in the purchase of real estate, to be settled upon the same trusts and for the same purposes to which the said farm at Lympne will be subject under or according to the provisions of this scheme, and until such purchase shall be made, the dividends arising from the investment to be made of the said accumulations under the following provisions shall be applicable in the same manner as the rents of such real estate if purchased would be applicable.

15. Provided, nevertheless, that it shall be lawful for the trustees, with the approval of the said Board, and subject to any directions or conditions under which such approval shall have been expressed, to apply all or any part of the said existing and future accumulations, instead of investing the same in the purchase of real estate under the foregoing provision, in or towards any permanent improvement of the school-buildings or of any other buildings or property of the Charity.

16. The Charity shall also be subject specifically to the provisions of the "Charitable Trusts Act 1853," and the "Charitable Trusts Amendment Act 1855," relating respectively to the improvement and leasing of Charity estates, and to all other provisions of the said Acts not inconsistent with this scheme.

17. All principal monies belonging, or which shall from time to time belong to the Charity, and which shall not be presently applicable and applied to other purposes under this scheme, shall be invested, with the approval of the said Board, in the public funds, either in the name of the Official Trustees of Charitable

Charitable Funds, or in the names of four or more of the acting trustees, as their stock committee, and the dividends arising from such stock, and not otherwise appropriated by this scheme, shall be applicable as part of the general income of the Charity, and shall be paid for that purpose to or according to the direction of the managing trustees.

18. All the real estate belonging to the Charity when this scheme shall come into operation shall be vested by virtue thereof in the Official Trustee of Charity Lands, in trust for the managing trustees, and all real estate of the Charity subsequently acquired may be conveyed to such Official Trustee upon the same trust by order of the said Board.

19. The managing trustees shall from time to time pay out of the net rents and profits of the said farm and the general income of the Charity which shall remain after paying or providing for the payment of all rates, taxes, expenses of repair, and insurance, and other outgoings payable in respect of the premises, all expenses incident to the execution of the trusts, among which they may include the costs reasonably incurred by them in relation to the establishment of this scheme; and shall divide the ultimate residue of the same rents, profits, and income into two moieties, of which one shall be paid to the master of the school for his use, and the other moiety shall be carried to the account of a school fund, to be constituted by the trustees, and to be applied by them to the purposes herein-after directed.

20. The trustees shall pay out of the said school fund the general expenses of warming, cleaning, and managing the school-rooms and buildings; the wages of any servants necessarily employed for the purposes thereof; the salaries, so far as the fund will extend, of any additional teachers to be employed by the trustees in the school; and the costs of any other provisions to be made by them, with the approval of the said Board, for the extension of its benefits. They shall also be at liberty from time to time to appropriate, in their discretion, any proportion of the said fund, not exceeding altogether in any year a moiety thereof, to the increase of the emoluments of the master of the school.

21. The trustees shall cause a public examination of the scholars to be held in the month of June in every year, or at such time as shall be appointed for this purpose by the trustees, with the consent of the Board, by an examiner to be from time to time appointed by themselves, and may pay to such examiner any reasonable remuneration for the discharge of his duties, and they may also award prizes of any value, not exceeding altogether 5*l.* in any year, to the boys who, in proficiency evinced at such public examinations and in general diligence and conduct, shall be found to be most meritorious.

22. The remuneration of the said examiners and the prizes to be awarded to the scholars shall be provided out of the school fund, and all the residue thereof which shall remain after answering the payments herein-before directed or authorized to be made thereout, shall from time to time be applied by the trustees in apprenticing or otherwise advancing in life the most meritorious scholars of the said school on their leaving the same, a preference among the candidates for such advancement being always given, cæteris paribus, firstly, to the sons of fishermen resident in the borough of Folkestone, and secondly, to the sons of other inhabitants thereof.

23. The trustees shall hold meetings for auditing the accounts and transacting the general business of the Charity on the second Wednesday in each of the months of June and December in every year, or on such other days of the same months as shall have been appointed for that purpose by the trustees present at any previous meeting, or at such other times or time in every year as shall be approved for this purpose by the said Board, and also so often as shall be requisite for the due administration of the Charity; they shall also hold a meeting on the first Wednesday next after the time at which this scheme shall come into operation.

24. Special meetings of the trustees may be convened from time to time, as occasion shall be, by any two or more trustees, by notices delivered or sent by the post or otherwise to every other trustee, by the space of fourteen days at the least previously, in which the business to be discussed or transacted at such meeting shall be stated, and no other business shall be transacted thereat.

25. All notices required to be given to the trustees shall be sufficiently given by writing, either delivered personally or addressed to them by the post at their usual or last known places of abode in England, and shall be so delivered or sent, where the circumstances of the case will permit, by the space of fourteen days at the least before the time of holding any meetings to which they shall respectively relate.

26. All meetings of the trustees shall be held in the borough of Folkestone, and, unless otherwise appointed by any such previous resolution as aforesaid, at noon, and in the schoolhouse belonging to the Charity.

27. The trustees may, at their first or any subsequent meeting, appoint a permanent chairman of their meetings, and may make like appointments as often as occasion shall be, and may remove any such chairman at any subsequent meeting; provided that no proposal for the appointment of a permanent chairman, except at such first meeting, or for his removal, shall be made or dealt with at any meeting unless a previous notice of the intention to make such proposal shall have been given in manner aforesaid by the space of fourteen days previously at the least to every trustee other than the trustee making the proposal. If there shall be no permanent chairman, or in case of his absence from any meeting, the trustees present thereat may elect a chairman thereof, and in default of such election the senior of the trustees present, according to the dates or order of their appointment, shall be the chairman of such meeting.

28. Four trustees shall form a quorum at any meeting, and so soon as that number shall be present after the time appointed for holding the same, they shall proceed to the transaction of the business thereof.

29. The resolutions and proceedings of a majority of the trustees present at any meeting shall bind the minority and all absent trustees. In the event of there being an equality of votes at any meeting, the chairman shall have a second or casting vote.

30. If for the space of one hour after the time appointed for holding a meeting less than five trustees shall attend, the present trustees or trustee, if any, or otherwise the clerk to the trustees, may adjourn the same to some convenient period not distant less than seven days; and all meetings may be adjourned by the resolution of the trustees present thereat.

31. The

31. The trustees shall keep minute books, in which the names of the trustees attending each meeting and all the proceedings thereat shall be recorded, and the minutes of every meeting shall be signed by the chairman and countersigned by the clerk, if any.

32. The trustees, with the approval of the said Board, may from time to time establish, revoke, or vary any regulations for the government of their proceedings under or according to this scheme.

33. The trustees may employ a clerk and a receiver for the purposes of the Charity, who shall be respectively removable at their pleasure, or may vest both those offices in the same person, and may assign to every such clerk or receiver any reasonable salary or remuneration, to be accounted as part of the expenses incident to the discharge of the trusts.

34. It shall be the duty of the clerk, subject to any special orders of the trustees, to give notice to them of all general and adjourned and special meetings, and of all business to be transacted thereat, requiring previous notice, and to attend such meetings, and to enter and keep minutes of all proceedings thereat, and to keep also the accounts of the Charity, and to make all payments directed by the trustees to be made by him, and to perform all such acts relating to the Charity as they shall from time to time reasonably require.

35. The full number of the trustees shall be ten, and all vacancies in their body may from time to time be filled up by the surviving or continuing trustees, by election to be made at their first meeting, without previous notice, or at any other meeting, after special notice given of the intention to proceed to such election thereat; but every such election shall require the approval of the said Board of Charity Commissioners for England and Wales to its validity, and shall not be operative without or previously to such approval; and such election, in order to its being forthwith considered by the said Board, shall be certified to the said Commissioners, at the meeting at which the same shall have been made, by the chairman thereof, by writing under his hand, countersigned by the clerk, if any.

36. The present trustees, or such of them as shall be willing to act, shall continue to be trustees of the Charity, subject to such of the following provisions as shall be respectively applicable to them.

37. Every trustee to be hereafter appointed shall become disqualified, and his office shall become vacant, on his ceasing to reside within the borough, or within 20 miles from the parish church of Folkestone, and every present or future trustee also, who shall become bankrupt or insolvent, or shall be permanently resident out of the United Kingdom, or shall become incapable to act, or shall neglect to attend any meeting of the trustees during two consecutive years, or shall resign his office by writing addressed to the clerk, if any, of the trustees, or otherwise to the other trustees for the time being, shall, in any of the said cases, cease to be a trustee.

38. This scheme shall come into operation at the expiration of two calendar months next after the passing of the Act establishing the same.

39. If any doubt or question shall arise among the trustees as to the proper construction or application of any of the provisions of this scheme, or the management of the Charity, application may be made by them to the Charity

Commissioners for England and Wales for direction thereon, which direction, when given, shall be binding on the trustees; and any provision hereof which may be found inconvenient or insufficient, or to require to be more exactly adapted to the circumstances of the Charity for the time being, may be modified, explained, extended, or adapted accordingly, by an order either of the Court of Chancery or of the said Commissioners, to be made upon the application of the trustees, so that no such order shall involve any deviation from the main objects and principles of this scheme.

Harvey's Charity.

A

B I L L

INTITULED

An Act for confirming a Scheme of the Charity Commissioners for Sir Eliab Harvey's Charity in the Town of Folkestone.

(*Brought from the Lords* 1 *June* 1858.)

Ordered, by The House of Commons, *to be Printed,* 10 *June* 1858.

[Bill 123.]

Under 1 *oz.*

9 *December* 1857. 21 Vict.

A

BILL

TO

Settle an Annuity on Sir Henry Havelock, Baronet, in consideration of his eminent Services.

Most Gracious Sovereign,

WHEREAS Your Majesty by Your most gracious Message hath been pleased to signify that Your Majesty, being desirous of conferring a signal Mark of Your Favour and Approbation on Major General Sir Henry Havelock for the eminent and distinguished Services rendered by him in command of a Body of British and Native Troops in India, and particularly in the gallant and successful Operations undertaken for the Relief of the Garrison of Lucknow, recommended to us to enable Your Majesty to make Provision for securing to Sir Henry Havelock a Pension of One thousand Pounds per Annum for the Term of his natural Life: Therefore we, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, duly considering Your Majesty's gracious Intention, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. An Annuity of One thousand Pounds shall be paid to Sir Henry Havelock, Baronet, Knight Commander of the Bath, for the Term of his natural An Annuity of 1,000*l.* to be paid to

Sir Henry Havelock during his Life.

natural Life, and the said Annuity shall be deemed to have commenced and taken effect from the Seventh Day of December One thousand eight hundred and fifty-seven, and the First Payment of a proportionate Part thereof for the Period from such Commencement to the Fifth Day of January One thousand eight hundred and fifty-eight shall be made on the said Fifth Day of January One thousand eight hundred and fifty-eight, and such Annuity shall thereafter be paid quarterly, (that is to say,) on the Fifth Day of April, the Fifth Day of July, the Tenth Day of October, and the Fifth Day of January in every Year, and shall issue and be payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and the Receipt of the said Sir Henry Havelock, or of such other Person as shall be duly authorized and appointed by him to receive such Annuity, or any Part thereof, shall be a good and sufficient Discharge for the Payment thereof; and the said Annuity shall be clear of all Taxes and all other Charges whatsoever, except Income Tax.

Sir Henry Havelock's Annuity.

A

B I L L

To settle an Annuity on Sir Henry Havelock, Baronet, in consideration of his eminent Services.

(*Prepared and brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Viscount Palmerston.*)

Ordered, by The House of Commons, *to be Printed,* 9 *December* 1857.

[Bill 3.]

Under 1 *oz.*

8 *February* 1858. 21 Vict.

A

BILL

TO

Settle Annuities on Lady Havelock and Sir Henry Marshman Havelock, in consideration of the eminent Services of the late Major General Havelock.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, duly considering the Approbation graciously signified by Your Majesty of the eminent and distinguished Services rendered by the late Major General Havelock, in Command of a Body of British and Native Troops in India, and particularly in the gallant and successful Operations undertaken for the Relief of the Garrison of Lucknow, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

An Annuity of *One thousand Pounds* shall be paid to Hannah Shepherd Lady Havelock, Widow of the late Major General Henry An Annuity of 1,000*l.* to be paid to

Lady Havelock, and an Annuity of 1,000*l.* to be paid to Sir Henry Marshman Havelock.

Henry Havelock of Lucknow, Knight Commander of the Most Honourable Order of the Bath, for the Term of her natural Life, and a like Annuity of *One thousand Pounds* shall be paid to Sir Henry Marshman Havelock, Baronet, eldest Son of the said late Major General Havelock, for the Term of the natural Life of the said Sir Henry Marshman Havelock, and the said Annuities shall issue and be payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and shall be deemed to have commenced and taken effect from the *Fifth Day of February One thousand eight hundred and fifty-eight*, and the First Payment of a proportionate Part thereof respectively for the Period from such Commencement to the Fifth Day of April One thousand eight hundred and fifty-eight shall be made on the said Fifth Day of April One thousand eight hundred and fifty-eight, and such Annuities shall thereafter be paid quarterly, (that is to say,) on the Fifth Day of July, the Tenth Day of October, the Fifth Day of January, and the Fifth Day of April in every Year; and the Receipts of the said Lady Havelock and Sir Henry Marshman Havelock respectively, or of such other Persons as shall be duly authorized and appointed by her or him to receive her or his respective Annuity, shall be a good and sufficient Discharge for the Payments thereof; and the said Annuities shall be clear of all Taxes and all other Charges whatsoever, except Income Tax.

Lady Havelock and Sir H. M. Havelock's Annuities.

A

B I L L

To settle Annuities on Lady Havelock and Sir Henry Marshman Havelock, in consideration of the eminent Services of the late Major General Havelock.

(*Prepared and brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Viscount Palmerston.*)

Ordered, by The House of Commons, *to be Printed,* 8 *February* 1858.

[Bill 12.]

Under 1 *oz.*

4 *February* 1858. 21 Vict.

A

BILL

TO

Abolish the Privileges of Heirs in Scotland in regard to the Annus deliberandi.

Preamble.

WHEREAS by an Act passed in the Tenth and Eleventh Years of the Reign of Her Majesty Queen Victoria, intituled "An Act to amend the Law and Practice of Scotland "in regard to the Service of Heirs," it is enacted, that Heirs entering to their Predecessors by special Service, or by general Service with a Specification annexed, shall no longer be liable for the Predecessor's Debts or Deeds beyond the Value of the Lands or other Heritages embraced by such Service, and Heirs are thereby relieved of the universal Liability which formerly attached to them by entering as Heirs, and the Year allowed to Heirs for deliberating whether they would so enter is, in consequence, no longer required: And whereas during the said Period no Measures can be followed out for attaching the Lands and Heritages of the Predecessor to which the Heir may be entitled to succeed, or for enforcing Implement of the Predecessor's Obligations in reference to the same, whereby great Inconvenience and Disadvantage arise to Creditors of the Predecessor, and to others: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

10 & 11 Vict. c. 47.

and

and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Heir no longer to plead Jus deliberandi.

I. From and after the *passing of this Act*, it shall not be competent for any Heir who may be charged to enter Heir to his Predecessor, or against whom there may be raised an Action of Constitution with reference to any Debt, Deed, or Obligation of his Predecessor, or an Adjudication or Adjudication in Implement with reference to any Lands, Heritages, or Heritable Rights of his Predecessor, to propone the Plea of Jus deliberandi, or to suspend any such Charge or stay any such Action, Adjudication, or Adjudication in Implement by such Plea; and all Charges, Actions, Adjudications, Adjudications in Implement, Decrees, or other Proceedings whatsoever against such Heir, or with reference to the Lands, Heritages, or Heritable Rights of his Predecessor, which heretofore would have been competent and valid when given, raised, or obtained after the Lapse of a Year and Day from the Date of the Predecessor's Death, known as the Annus deliberandi, shall be equally competent and valid when given, raised, or obtained before the Lapse of such Period.

Act to extend to Scotland only.

II. This Act shall extend to Scotland only.

Heirs (Scotland).

A

BILL

To abolish the Privileges of Heirs in Scotland in regard to the Annus deliberandi.

(*Prepared and brought in by Mr. Dunlop and Mr. Craufurd.*)

Ordered, by The House of Commons, *to be Printed,*
4 *February* 1858.

[Bill 6.]

Under 1 *oz.*

24 *June* 1858. 21 & 22 Vict.

(Scotland.)

A

BILL

TO

Impose Fees on the branding of Barrels under the Acts concerning the Herring Fisheries in Scotland.

WHEREAS by an Act of the Forty-eighth Year of King George the Third, Chapter One hundred and ten, an Act of the Fifty-fifth Year of King George the Third, Chapter Ninety-four, and an Act of the Session holden in the First and Second Years of King George the Fourth, Chapter Seventy-nine, Provisions were made for branding or placing a Mark or Character on Barrels and Half Barrels containing Herrings properly cured as a Condition for obtaining Bounties payable under the said Acts: And whereas by Two Acts of the Fifth Year and Seventh Year of King George the Fourth the said Bounties were repealed: And whereas by an Act passed in the Session holden in the Eleventh Year of King George the Fourth and the First Year of King William the Fourth, Chapter Fifty-four, it was enacted and declared, that nothing in the said Acts of the Fifth and Seventh Years of King George the Fourth had repealed or rendered ineffectual so much of the said Acts of the Forty-eighth and Fifty-fifth Years of King George the Third, and the First and Second Years of King George the Fourth, as related to the placing a Mark or Character on Barrels

Preamble.
48 G. 3. c. 110.
55 G. 3. c. 94.
1 & 2 G. 4. c. 79.
5 G. 4. c. 64. and 7 G. 4. c. 34.
11 G. 4. & 1 W. 4. c. 54.

or

14 & 15 Vict. c. 26.

or Half Barrels containing Herrings properly cured: And whereas an Act was passed in the Fourteenth and Fifteenth Years of Her Majesty's Reign to amend the said Acts: And whereas the Expenses of the Establishment maintained for branding or placing such Marks and Characters as aforesaid, and the Matters connected therewith, have been defrayed out of Monies granted by Parliament, and it is expedient that moderate Fees should be payable in respect of such branding or marking, for the Purpose of defraying the Expenses of such Establishment for the future: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

After 1858 a Fee of 4*d.* per Barrel and 2*d.* per Half Barrel to be payable on branding.

I. From and after the Thirty-first Day of December One thousand eight hundred and fifty-eight there shall be payable for and in respect of every Barrel of Herrings branded or marked under the said Acts, or any of them, a Fee of *Fourpence*, and for every Half Barrel so branded or marked the Fee of *Twopence*, on or before the branding or marking of the same respectively, by the Persons producing, in Terms of the said recited Acts, such Barrels and Half Barrels respectively to be branded or marked; and all such Fees shall be paid to the Officers of the said Establishment, and the Monies so received shall be accounted for and paid over by such Officers, at such Times and under such Regulations as the Commissioners of Her Majesty's Treasury shall from Time to Time direct.

Monies to be paid into the Consolidated Fund.

II. The Commissioners of Her Majesty's Treasury shall cause the Monies arising from the Fees taken under this Act to be paid into the Exchequer to the Credit of the Consolidated Fund of the United Kingdom.

Herring Fisheries (Scotland).

A

BILL

To impose Fees on the branding of Barrels under the Acts concerning the Herring Fisheries in Scotland.

(*Prepared and brought in by The Lord Advocate and Mr. Hamilton.*)

Ordered, by The House of Commons, *to be Printed,* 24 *June* 1858.

[Bill 160.]

Under 1 *oz.*

16 *July* 1858. 21 & 2 Vict.

A

B I L L

INTITULED

An Act to amend "The West Indian Incumbered Estates Act, 1854."

[Note.—*The Clause printed in Red Ink is proposed to be inserted in Committee.*]

WHEREAS it is expedient that "The West Indian Incumbered Estates Act, 1854," should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may for all Purposes be cited as "The West Indian Incumbered Estates Act, 1858." Short Title of Act.

II. "The West Indian Incumbered Estates Act, 1854," (herein-after called "the Principal Act,") and this Act, shall, so far as is consistent with the Context and Objects of such Acts, be construed as One Act; and this Act and the Principal Act (herein-after referred to as "these Acts") may for all Purposes be cited as "the West Indian Incumbered Estates Acts, 1854, 1858." Definition of Principal Act, &c.

III. The Third, Tenth, Seventeenth, Twenty-fifth, Thirty-second, Thirty-third, Thirty-fourth, Thirty-eighth, Forty-fifth, and Fiftieth Sections of the Principal Act shall be and are hereby repealed. Repeal of Clauses.

Construction of Terms, &c. in these Acts. Irish Act, s. 54. Principal Act, s. 3.

IV. In the Construction and for the Purposes of these Acts (except when the Context or other Provisions of these Acts require a different Construction) the following Terms shall have the respective Meanings herein-after assigned to them; (that is to say,)

"Land:" "Land" shall extend to Sugar and other Plantations, Messuages, Tenements, Rents, and Hereditaments, corporeal and incorporeal, of every Tenure or Description, as well as all Fixtures and Machinery annexed thereto, and any undivided Share thereof:

"Estate:" "Estate" shall extend to an Estate in Equity as well as at Law, and to an Equity of Redemption:

"Incumbrance:" "Incumbrance" shall mean any legal or equitable Mortgage in Fee or for any less Estate, and also any Money secured by a Trust, or by Judgment, Decree, or Order of any Court of Law or Equity, and also any Debt, Portion, Legacy, Lien, or other Charge whereby a gross Sum of Money is secured to be paid on an Event or at a Time certain, and also any annual or periodical Charges which by the Instrument creating the same or by any other Instrument is made repurchaseable on Payment of a gross Sum of Money, and also any Arrear remaining unpaid of any annual or periodical Charge for Payment of which Arrear a Sale of any Land charged therewith might be decreed by a Court of Equity, and also any Sum of Money constituting a Charge or Lien on Land or raiseable out of Land:

"Incumbrancer:" "Incumbrancer" shall mean any Person entitled to such Incumbrance, or entitled to require the Payment or Discharge thereof:

"Possession:" "Possession" shall include the Receipt of the Rents and Profits:

"Owner:" "Owner" shall include any Person entitled in possession, either at Law or in Equity, to Land, or to the Receipt of the Rents and Profits thereof, or who would be so entitled if there were no Incumbrance on such Land, for a Term of not less than Thirty Years unexpired, or for an Estate or Interest for his own Life, or for an Estate or Interest determinable on the dropping of any Life or Lives, or for any greater Estate or Interest:

"Person and Owner:" "Person and Owner" shall extend to a Body Politic or Corporate as well as to an Individual:

"Commissioners." "Commissioners" shall mean the Persons appointed Commissioners for the Sale of Incumbered Estates in the West Indies.

Duration of Office and Powers of Commissioners.

V. The Offices of the Commissioners, and all Powers, Rights, and Privileges pertaining thereto, shall continue and be in force only for a Period of Five Years next after the Day of the passing of this Act, and from thenceforth until the End of the then next Session of Parliament.

VI. The

VI. The Commissioners shall constitute One Court of Record, and shall have all the Powers, Authority, and Jurisdiction of a Court of Equity in England, and in any Colony or Colonies within which these Acts may be or come into operation for the Investigation of Title, and for ascertaining and allowing Incumbrances and Charges, and the Amounts due thereon, and for settling the Priority of such Charges and Incumbrances respectively, and the Rights of Owners and others, and generally for ascertaining, declaring, and allowing the Rights of all Persons in any Land in respect of which Applications may be made under these Acts, or in the Money to arise from Sales under these Acts, and for all other the Purposes of these Acts, and shall have the like Authority and Jurisdiction for enforcing, rescinding, or varying any Contract for Sale made under these Acts as are vested in a Court of Equity in relation to a Sale under the Direction of such Court; and all Proceedings, Inquiries, Suits, or Trials to be taken, made, or had under these Acts, and all Investigations of any Matters or Things arising out of or incidental to any such Proceedings, Inquiries, Suits, or Trials, may, subject to the Provisions herein-after contained, be at any Stage or at any Time transferred from England to any Colony, or from any Colony to England.

Commissioners to be a Court of Record, and have Jurisdiction of a Court of Equity. Irish Act. s. 15. Principal Act, s. 17.

VII. In all Cases within their Jurisdiction the Commissioners shall, with respect to the following Matters, (that is to say,)

The enforcing the Attendance of Persons summoned to give Evidence,

The enforcing the Production of Deeds, Books, Papers, Documents, and Writings,

The punishing Persons refusing to give Evidence or guilty of a Contempt,

The enforcing any Order whatever made by them under any of the Powers or Authorities of these Acts, or otherwise in relation to the Matters to be inquired into and done by them under these Acts,

Have all such Powers, Rights, and Privileges as are by Law vested in the High Court of Chancery in England for such or the like Purposes in relation to any Suit or Matter depending in such Court, and shall have also, in any Colony or other Part of Her Majesty's Dominions, all such Powers, Rights, and Privileges as are possessed by the Supreme Court of Judicature in such Colony or other Part of Her Majesty's Dominions, for such or the like Purposes in relation to any Action, Suit, Matter, or Thing depending in such Court; and it shall be lawful for the Commissioners either to carry into effect such Powers, Rights, and Privileges by Officers appointed by themselves, or to request the said High Court of Chancery, or such Court

Powers of Commissioners to enforce Order. Irish Act, s. 12. Principal Act, s. 25.

of Judicature as aforesaid, or any Officer thereof, to enforce any Orders made by them, and such Court or Officer shall thereupon enforce the same accordingly.

Restrictions on Sale. 1st Irish Act, s. 22. 2d Irish Act, s. 2. Principal Act, s. 32.

VIII. The Commissioners shall not make an Order for Sale of any Land upon Application by an Incumbrancer thereon, in case it be shown to the Satisfaction of the Commissioners by the Owner of such Land that no Part of such Land is subject to any Receiver, or is in the Possession of any Incumbrancer, or has been out of Cultivation for the Space of Twelve Months preceding such Application, and that the Amount of the yearly Interest on the Incumbrances and other yearly Payments (if any) in respect of Charges payable out of the Income of such Land, and the other Lands (if any) subject to the same Incumbrances, do not exceed One Half of the net yearly Income of such Land and other Lands (if any), such yearly Income to be calculated on the average Profits or Income (if any) derived therefrom, after deducting all the necessary Outgoings (if any) during the preceding Seven Years, or during such other Period as the Commissioners may, having regard to any special Circumstances, think fit, or in case, for any Reason whatever, it shall appear to the Commissioners unjust or inexpedient that a Sale should be made: Provided always, that the Decision of the Commissioners thereupon, so far as the same relates to their Power and Jurisdiction over such Land, shall in all Cases be final and conclusive to all Intents and Purposes whatsoever.

Tenancies to be ascertained. Irish Act, s. 23. Principal Act, ss. 33, 34.

IX. Where a Sale shall be made under these Acts, the Commissioners shall, when and so far as they may deem necessary for the Purposes of such Sale, ascertain the Tenancies of the occupying Tenants, and of any Lessees, Under-lessees, or other Parties whose Tenancies, Leases, Under-leases, or other Interests affect the Land to be sold, or any Part thereof, and may give such Notices, and make or cause to be made such Inquiries, as they shall think necessary for ascertaining and securing the Rights of such Tenants, Lessees, Under-lessees, or other Parties as aforesaid; and all occupying Tenants, and all Persons being or claiming to be Lessees, Under-lessees, or Parties interested as aforesaid, shall, at such Times and Places as the Commissioners may require, produce all Leases, Under-leases, Agreements in Writing, and other Deeds or Documents under which such Tenants or Persons occupy or claim, if such Leases, Under-leases, Agreements, or other Deeds or Documents, or Counterparts thereof, be in their Possession or Power; and where they occupy or claim under Leases, Under-leases, Agreements in Writing, or other Deeds or Documents not in their Possession or Power, or under parol Agreements or Contracts, they shall deliver, at such Times and Places as aforesaid,

said, Particulars of the Terms and Conditions upon and subject to which they occupy or claim; and the Sale shall be made subject to the Tenancies, Leases, Under-leases, or Interests, ascertained as aforesaid, and subject to which the Owner or Incumbrancer applying for a Sale shall be Owner or Incumbrancer, and such other of the Tenancies, Leases, Under-leases, and Interests, ascertained as aforesaid, as shall appear to the Commissioners to have been granted bonâ fide by the Owner or Person in possession or in receipt of the Rents and Profits, and subject to which it shall appear to the Commissioners that the Sale should be made, save such (if any) of such respective Tenancies, Leases, and Under-leases as shall be included in such Sale, and, where the Commissioners think fit, subject to any Leases, Under-leases, Tenancies, or other Interests according to any general Description, or subject to any Condition concerning any Leases, Under-leases, Tenancies, or Interest the Nature of which shall not have been ascertained or shall be disputed; and, when the Commissioners shall think fit, such Sale may be made subject to any annual Charge affecting the Land to be sold or any Part thereof, or to any such apportioned Part of any such annual Charge as the Commissioners may think fit to remain charged thereon; and where such Land or any Part thereof is subject to any Incumbrance under the Terms of which the Incumbrancer cannot be required to accept Payment of the Principal Money before the Expiration of a Term of Years unexpired, such Sale may, if the Commissioners think fit, be made subject to such Incumbrance.

Effect of Conveyance. Irish Act, s. 27. Principal Act, s. 38.

X. Every Conveyance executed by the Commissioners in pursuance of these Acts shall be effectual to pass the Fee Simple and Inheritance and absolute Interest of and in the Land thereby expressed to be conveyed, or such lesser Estate or Interest as may in such Conveyance be specified, subject to such Rights and uncommuted Payments, if any, as are referred to in the Thirty-sixth Section of the Principal Act, and to such Tenancies, Leases, Under-leases, Incumbrances, and Interests as shall be expressed or referred to in the said Conveyance as aforesaid, but, save as aforesaid, discharged from all former and other Estates, Rights, Titles, Charges, and Incumbrances whatsoever of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever; and no Conveyance made by the Commissioners shall be set aside on the Ground of their not having Jurisdiction over the Subject Matter thereof.

Provision for setting aside Monies to meet Incumbrances. Irish Act, s. 34. Principal Act, s. 45.

XI. It shall be lawful for the Commissioners, where they think fit, to pay to any Person entitled to any annual or other Charge or Interest, not being an Incumbrance according to the Definition of this Act, who may consent to accept the same, a gross Sum in discharge or

or by way of Redemption thereof or of a Part thereof; and the Commissioners may, in all Cases where they think fit, invest or provide for the Investment of Money, to meet as far as possible any annual or periodical Charge, or any other Charge, Incumbrance, or Interest, where, by reason of such Charge, Incumbrance, or Interest being contingent or otherwise, it shall appear to the Commissioners proper or expedient so to do, and may otherwise make and give such Orders and Directions for applying the Monies arising from any Sale in such Manner as will secure the convenient Application thereof for the Benefit and according to the Rights of all interested Parties; but nothing in these Acts or either of them contained shall be construed to constrain the Commissioners, if they shall think fit, from selling any Land within their Jurisdiction, absolutely freed and discharged from all Estates, Rights, Titles, Interests, Incumbrances, Claims, and Demands whatsoever, whether at Law or in Equity, and whether annual or periodical, future, vested, contingent, or otherwise, save and except such Rights and Interests as are set forth in the Thirty-sixth Section to the said Principal Act.

Provision for Person under Disability. Irish Act, s. 38. Principal Act, s. 50.

XII. Where any Person, who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceeding under these Acts, shall be an Infant, Idiot, Lunatic, or married Woman, the Guardian, Committee of the Estate, and Husband respectively of such Person may make such Application, give such Consents, do such Acts, and be Party to such Proceedings as such Persons respectively if free from Disability might have made, given, done, or been Party to, and shall otherwise represent such Person for the Purposes of these Acts; but a married Woman entitled for her separate Use (with or without Power of Anticipation) shall for the Purpose of these Acts be deemed a Feme Sole: Provided always, that where there shall be no Guardian or Committee of the Estate of any such Person as aforesaid being infant, idiot, or lunatic, or where any Person, the Committee of whose Estate, if he were idiot or lunatic, would be authorized to act for and represent such Person, shall be of unsound Mind, or incapable of managing his Affairs, but shall not have been found idiot or lunatic under an Inquisition, it shall be lawful for the Commissioners to appoint a Guardian of such Person for the Purpose of any Proceedings under these Acts, and from Time to Time to change such Guardian; and, where the Commissioners see fit, they may appoint a Person to act as the next Friend of a married Woman for the Purpose of any Proceedings under these Acts, and from Time to Time to remove or change such next Friend.

XIII. That

Every Conveyance, or Order for Partition, Exchange, or Division, executed or made by the Commissioners in pursuance of these Acts, shall be exempt from Stamp Duty, notwithstanding the same may have been executed or made in England.

Conveyances, &c. to be free from Stamp Duty

XIII. That when Her Majesty by Order in Council has directed or shall direct the Principal Act to come into operation in any of the scheduled Colonies mentioned in the Principal Act, or where any of such Colonies has presented or shall present an Address to Her Majesty praying Her Majesty to issue such Order, then such Order and such Address respectively shall apply and be construed to apply as well to this Act as to the said Principal Act.

Act to come into operation. Principal Act, s. 69.

Incumbered Estates (West Indies) Act Amendment.

A

B I L L

INTITULED

An Act to amend "The West Indian Incumbered Estates Act, 1854."

(*Brought from the Lords* 16 *July* 1858.)

Ordered, by The House of Commons, *to be Printed,* 16 *July* 1858.

[Bill 221.]

Under 1 *oz.*

A

BILL

TO

Authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners of England and Wales.

Preamble.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Acts for the Inclosure, "Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents thereto have been given since the Date of their Thirteenth Annual General Report: And whereas the said Commissioners have by a Special Report certified their Opinion that such proposed Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Inclosures in Schedule may be proceeded with.

I. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

Short Title.

II. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The "Second Annual Inclosure Act, 1858," or "The Acts for the Inclo- "sure, Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Ousby	Cumberland	11th February 1858.
Harwood Dale	York	18th March 1858.
Radnage	Bucks	4th February 1858.
Heckfield	Southampton	15th April 1858.
Cornbrough	York	22d April 1858.
Wisboro' Green	Sussex	23d July 1857.
Whichwood Astall and Leafield (Minster Lovell)	Oxford	22d April 1858.
Bingley	York	28th January 1858.
Shepperton	Middlesex and Surrey	21st January 1858.
Lamplugh	Cumberland	22d April 1858.
Shudy Camps, Castle Camps, and Bartlow	Cambridge and Essex	13th May 1858.
Draughton Moor	York	3d June 1858.
Woolmer Forest	Southampton	3d June 1858.
Larkton Hill	Chester	20th May 1858.
Rhosygarth	Cardigan	25th March 1858.
Moorsom	York	3d July 1858.

Inclosure of Lands.

A

BILL

To authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners of England and Wales.

(*Prepared and brought in by Mr. Hardy and Mr. Secretary Walpole.*)

Ordered, by The House of Commons, *to be Printed*, 12 *July* 1858.

[Bill 207.]

Under 1 *oz.*

A

B I L L

TO

Indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

Preamble.

WHEREAS divers Persons who, on account of their Offices, Places, Employments, or Professions, or any other Cause or Occasion, ought to have taken and subscribed the Oaths or Assurance respectively appointed to be by such Persons taken and subscribed in and by an Act of the First Year of King George the First, Statute Two, Chapter Thirteen; or to have qualified themselves according to an Act of the Thirteenth Year of King Charles the Second, Statute Two, Chapter One; or according to an Act of the Twenty-fifth Year of King Charles the Second, Chapter Two; or according to an Act of the Thirtieth Year of King Charles the Second, Statute Two; or according to an Act of the Eighth Year of King George the First, Chapter Six; or according to an Act of the Ninth Year of King George the Second, Chapter Twenty-six; or according to an Act of the Eighteenth Year of King George the Second, Chapter Twenty; or according to an Act of the Sixth Year of King George the Third, Chapter Fifty-three; or according to an Act of the Ninth Year of King George the Fourth, Chapter Seventeen; or according to an Act of the Tenth Year of King George the Fourth, Chapter Seven, so far only as the said Act relates to any Civil or Military Offices, or Places of Trust, or Places of Profit, or Corporate Offices, have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted to take and subscribe the Oaths and Assurance and make and subscribe the Declaration required by the said recited Acts or either of them, or otherwise to qualify themselves as aforesaid, within such Time and in such Manner as in and by the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers Penalties and Disabilities: For quieting the Minds of Her Majesty's Subjects, and for preventing any Inconvenience that might otherwise happen by means of such Omissions,

1 G. 1. st. 2. c. 13.
13 C. 2. st. 2. c. 1.
25 C. 2. c. 2.
30 C. 2. st. 2.
8 G. 1. c. 6.
9 G. 2. c. 26.
18 G. 2. c. 20.
6 G. 3. c. 53.
9 G. 4. c. 17.
10 G. 4. c. 7.

be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons who have omitted to qualify themselves as required by the recited Acts indemnified, and allowed further Time.

I. All and every Person or Persons who, at or before the *passing of this Act*, hath or shall have omitted to take and subscribe the Oaths and Declarations, or otherwise to qualify him, her, or themselves, within such Time and in such Manner as in and by the said Acts or any of them is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification ought to have been had and is required, before the passing of this Act, hath or have taken and subscribed the said Oaths or made the Declarations required by Law, or who, on or before the *Twenty-fifth Day of March One thousand eight hundred and fifty-nine*, or if Parliament be then sitting before the End of then Session of Parliament, shall take and subscribe the Oaths, Declarations, and Assurance respectively, in such Cases wherein by the said several Acts or any or either of them the said Oaths, Declarations, and Assurance ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission previous to the passing of this Act of taking or subscribing the said Oaths or Assurance, or making or subscribing the said Declarations respectively, or taking or subscribing the Oath, according to the above-mentioned Acts or any of them, or any other Act or Acts; and such Person or Persons is and are and shall be fully and actually recapacitated and restored to the same State and Condition as he, she, or they were in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves, according to the above-mentioned Acts and every of them; and all Elections of, and Acts done or to be done by, any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same or any of them would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, according to the Directions of the said Acts and every or any of them; and the Qualification of such Person or Persons qualifying themselves in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person or Persons had respectively taken the said Oaths and Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, within the Time and in the Manner appointed by the several Acts before mentioned.

Indemnity to those who have omitted to make and subscribe the Oaths and Declaration

II. And whereas several Persons well affected to Her Majesty's Government, and to the United Church of England and Ireland, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Oaths and Declaration according to the Directions of an Act passed

in

in the Parliament of Ireland in the Second Year of Queen Anne, intituled "An Act to prevent the further Growth of Popery:"

required by the Irish Act, 2 Anne, c. 6.

All Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oaths, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned, anything in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form and in such Place or Places respectively as are directed and appointed by the said last-recited Act, on or before the *Twenty-fifth Day of March One thousand eight hundred and fifty-nine*, or if Parliament be then sitting before the End of the then Session of Parliament.

Not to indemnify Persons against whom final Judgment has been given.

III. Provided always, That this Act, or anything herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to exempt Justices acting without legal Qualification.

IV. Provided also, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within Great Britain from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Admissions to Corporations may be stamped after the Time allowed.

V. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns, in Great Britain and Ireland, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns which by several Acts are directed and required to be stamped, may not have been provided, or the same not stamped, or may have been lost or mislaid:

For the Relief of such Persons whose Appointments and Admissions or the Entries of whose Admissions as aforesaid may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in Great Britain or Ireland, on or before the *Twenty-fifth Day of March One thousand eight hundred and fifty-nine*, or if Parliament be then sitting before the End of the then Session of Parliament, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions, as aforesaid, duly stamped, or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid

to the Commissioners of Inland Revenue, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on Payment of *double* the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other Public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Office, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

Not to restore Persons to any Office avoided by Judgment.

VI. Provided always, That this Act or anything herein contained shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of Her Majesty's Courts of Record or already legally filled up and enjoyed by any other Person, but such Office or Employment, Benefice, Matter, or Thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

General Issue.

VII. In case any Action, Suit, Bill of Indictment, or Information shall after the *passing of this Act* be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

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BILL

To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

(Prepared and brought in by Mr. Hardy and Mr. Secretary Walpole.)

Ordered, by The House of Commons, *to be Printed,* 12 *July* 1858.

[Bill 202.]

Under 1 *oz.*

A

B I L L

TO

Regulate Insurance and Assurance Institutions, and to arrange for their Incorporation.

PART I.

WHEREAS it is expedient that the Statute Law relating to Insurance Companies should be embodied in One Act, and that Provisions should be made for the Registration, Incorporation, and Regulation of such Companies, and that the Establishment of such Companies should be prevented, unless constituted and regulated according to the Provisions of this Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the *passing of this Act* the following Acts shall be and are hereby repealed, viz., the Act passed in the Fourteenth Year of the Reign of His Majesty George the Third, Chapter Forty-eight, intituled "An Act to regulate Insurances upon "Lives, and for prohibiting all Insurances except in Cases where the "Persons insuring shall have an Interest in the Life or Death of the "insured," so much of the Act passed in the Eighth Year of the Repeal of 14 G. 3. c. 48., 7 & 8 Vict. c. 110., 10 & 11 Vict. c. 78., and 21 Vict. c. 80.

Reign of Her present Majesty, Chapter One hundred and ten, intituled "An Act for the Registration, Incorporation, and Regulation "of Joint Stock Companies, as relates to Insurance Companies," and so much of the Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Seventy-eight, intituled "An Act to "amend an Act for the Registration, Incorporation, and Regulation "of Joint Stock Companies, as relates to Insurance Companies," and also an Act passed in the Twenty-first Year of the Reign of Her present Majesty, Chapter Eighty, intituled "An Act to "amend the Joint Stock Companies Act, 1856."

Title of Act.

II. This Act may be cited for all Purposes as "The Insurance Companies Act, 1858."

Commencement.

III. This Act shall come into operation on the *Day of One thousand eight hundred and fifty-eight*, and shall apply to Great Britain and Ireland.

To what Companies Act applies.

IV. This Act shall apply to every Insurance Company, Society, or Association established at the passing of this Act, subject to the Provisoes herein-after contained, or hereafter to be established for the Purpose of Assurance or Insurance on Lives, and all Contingencies connected with Human Life, Fire, Marine Risks, Sickness, or any Events the Probability of the happening of which can be calculated by way of Average, and whether such Companies be Proprietary or Mutual, or both, or whether its Capital, or Part thereof, may have been converted into Stock; and also to every Institution enrolled under the Acts of Parliament relating to Friendly Societies, which Institutions shall make Assurances on Lives, or against any Contingency involving the Duration of Human Life, to an Extent upon One Life, or for any One Person, to an Amount exceeding *Two hundred Pounds*, whether such Companies, Societies, or Institutions be Proprietary or Mutual, or both, or whether its Capital, or Part thereof, may have been converted into Stock.

Stock.

Definition of Proprietary and Mutual Companies.

V. A Proprietary Company shall mean a Company having a nominal Capital of fixed Amount divided into Shares, also of fixed Amount, and formed on the Principle of having for its Members Holders of Shares or Stock in such Capital; every other Company shall be deemed to be a Mutual Company.

Definition of Registrar.

VI. Wherever this Act refers to the Registrar it shall be taken to mean, until the Board of Trade otherwise directs, if in England, the Registrar of Joint Stock Companies, or in his Absence the Assistant Registrar; if in Scotland, the Registrar of Joint Stock Companies for

for Scotland; and if in Ireland, the Assistant Registrar of Joint Stock Companies for Ireland; but in the event of the Board of Trade altering the Constitution of the present Registry Office for Joint Stock Companies it shall mean such Officer or Officers, and at such Place and Places, with reference to the local Situation of the Offices of the Company by this Act required to be registered, as the Board of Trade may appoint.

No Policy shall be made unless the Party for whose Benefit it is effected has an Interest in the Life of the Assured.

VII. And whereas it hath been found by Experience that the making Insurances on Lives wherein the Assured shall have no Interest hath introduced a mischievous Kind of gaming, for Remedy whereof be it enacted, That from and after *the passing of this Act*, no Insurance shall be made by any Person or Persons, Bodies Politic or Corporate, on the Life or Lives of any Person or Persons, wherein the Person or Persons for whose Use, Benefit, or on whose Account such Policy or Policies shall be made shall have no Interest, or by way of gaming or wagering; and that any Assurance made contrary to the Intent and Meaning hereof shall be null and void to all Intents and Purposes whatsoever.

Policy must state the Name of the Person for whose Benefit it was made.

VIII. It shall not be lawful to make any Policy or Policies on the Life or Lives of any Person or Persons without inserting in such Policy or Policies the Name of the Person or Persons interested therein, and for whose Use, Benefit, or on whose Account, such Policy is so made as aforesaid.

No greater Sum shall be recovered than the Amount of the Interest.

IX. In all Cases when the Assured hath Interest in such Life or Lives no greater Sum shall be recovered or received from the Insurer or Insurers than the Amount or Value of the Interest in such Life or Lives.

X. And whereas an Act was passed in the Tenth Year of the Reign of Her present Majesty, Chapter Three hundred and seventy-five, intituled "An Act to incorporate the British Guarantee Association," whereby it was amongst other things enacted, that from and after the passing of the said Act it should and might be lawful to and for the Lord High Treasurer or Commissioners of Her Majesty's Treasurer, or any Three or more of them, or the Principal Officer or Officers of any other Public Office or Department of the State in which any Person or Persons was or should be appointed to any Office or Employment, who in respect of such Office or Employment was or should be required by himself, or by himself and Sureties, to give Security by Bond, Deposit, or otherwise, under any Law or Act of Parliament, or otherwise, then or thereafter to be in force, to take and accept, if he or they should think fit, in lieu

of such Bond or other Security, the Guarantee or Security of the said Company, to be given and executed in and by their Bond or Policy, Bonds or Policies, or in such other Form and subject to such Conditions as the said Lord High Treasurer or Commissioner of Her Majesty's Treasury, or any Three or more of them, or the Principal Officer or Officers of such Office or Department in which the said Person or Persons should be appointed to such Office or Employment, should require, approve, or direct; and the same, when taken and accepted, should be in lieu of the Security required by any Statute, Rule, or Regulation then in force, or to be from Time to Time in force; and it was further enacted, that it should and might be lawful for the Poor Law Commissioners, and for all Guardians and other Officers acting in the Administration of the Laws for Relief of the Poor in England, and of the Laws for Relief of the destitute Poor of Ireland, to take and accept, in lieu of any Bond or other Security of any Person or Persons given or to be given by any Person connected with the Administration of the aforesaid Poor Laws, or any Officer or other Person accountable to any Board of Guardians or other Officers, the Guarantee of the said Company, to be given and executed in and by their Bond and Policy, Bonds or Policies, or in such other Forms as the Poor Law Commissioners aforesaid should require, approve, or direct, and the same when taken and accepted should be in lieu of the Security required by any Statute, Rule, or Regulation then in force, or to be from Time to Time in force; and for the Purposes aforesaid it should be lawful for the Poor Law Commissioners aforesaid from Time to Time to make such Rules, Orders, and Regulations in the Premises as they should think fit; and no Guardians, Officers, or other Persons should accept the Security of such Bonds or Policies, except in pursuance of and in accordance with such Rules, Orders, and Regulations of the said Poor Law Commissioners as aforesaid; and it was further enacted, that, notwithstanding anything in any Act of Parliament passed or to be passed relating to Savings Banks, Friendly Societies, Loan Societies, Benefit Building Societies, and Government Annuity Societies, the Bond or Policies of the said Company might be received in lieu of or in addition to the Bond or Security of any Treasurer, Actuary, Cashier, or other Officer of any such Institutions or Societies, and their or any of their Sureties, whereby any of the Provisions of the said Acts, or by any Rules of the said Institutions or Societies, such Officers were or should be directed to give Security, either by themselves or by themselves and Sureties; and where the Parties authorized or directed to take such Bonds or Securities should see fit to accept the Bonds or Policies of the said Company, and all the Provisions in any such Acts relating to the Deposit or Transmission of such Bonds, given by any

any such Officer, or by such Officer and his Sureties, should apply to the Bonds and Policies of the said Company, and such Bonds might be without any Stamp, and such Bonds and Policies of the Company might be taken in lieu of or substitution of any existing Bonds or Securities if the Parties authorized to require or take such Bonds or Securities should think fit, whereupon such existing Bonds or Securities should be delivered up to be cancelled: And whereas it is expedient that so much of the said Act as empowers the Lord High Treasurer or Commissioners of Her Majesty's Treasury, or any Three or more of them, or the Principal Officer or Officers of any other Public Office or Department of the State, the Poor Law Commissioners, and all Guardians and other Officers acting in the Administration of the Laws for Relief of the Poor in England or Ireland, Savings Banks, Friendly Societies, Loan Societies, Benefit Building Societies, and Government Annuities Societies, to take and receive the Bonds and Policies of the said Company, should be repealed: Be it enacted, That from and after the *passing of this Act* so much of the said recited Act as empowers the Lord High Treasurer or Commissioners of Her Majesty's Treasury, or any Three or more of them, or the Principal Officer or Officers of any other Public Office or Department of the State, the Poor Law Commissioners, and all Guardians and other Officers acting in the Administration of the Laws for the Relief of the Poor in England or Ireland, Savings Banks, Friendly Societies, Loan Societies, Benefit Building Societies, and Government Annuities Societies, to take and receive the Bonds and Policies of the said Company shall be and the same is hereby repealed, provided that nothing herein contained shall extend or be construed to extend to affect the Rights and Priviledges of the said British Guarantee Association, otherwise than by making it lawful for other Corporations and Bodies Politic to make and grant such Bonds or Policies as herein-after mentioned.

Repeal of so much of the 8 & 9 Vict. c. cclxxv. as confers the Power upon the Public Offices or Departments of State to accept the Guarantee of the British Guarantee Association.

XI. From and after the *passing of this Act* it shall and may be lawful to and for the Lord High Treasurer or Commissioners of Her Majesty's Treasury, or the Principal Officer or Officers of any other Public Office or Department of the State in which any Person or Persons is or shall be appointed to any Office or Employment, who in respect of such Office or Employment is or shall be required by himself and Sureties to give Security by Bond, Deposit, or otherwise, under any Law or Act of Parliament, or otherwise, now or hereafter to be in force, to take and accept, if he or they shall think fit, in lieu of such Bond or other Security, the Guarantee or Security of any Company now or hereafter to be established, either alone or in conjunction with Insurance Business, for the Purpose of providing Security for the Integrity of Persons in Situations of Trust, to be

Guarantee of any Company to be taken instead of Security required from Persons in Public Offices and Employments.

given and executed by their Bond or Policy, Bonds or Policies, in such Form and subject to such Conditions as the said Lord High Treasurer or Commissioners of Her Majesty's Treasury, or the Principal Officer or Officers of such Office or Department in which the said Person or Persons shall be appointed to such Office or Employment, shall require, approve, and direct; and the same, when taken and accepted, shall be in lieu of the Security required by any Statute, Rule, or Regulation now in force or to be hereafter from Time to Time in force.

How Bonds in such Cases shall be made.

XII. Any such Bond or Policy shall be made to and in the Name of the Secretary or such other Officer, with the Addition of his Name or Description of Office, as shall be named for that Purpose by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Principal Officer or Officers of such other Office or Department as aforesaid, or to Her Majesty, Her Heirs and Successors, as shall be thought fit, and except when made to Her Majesty, Her Heirs and Successors, shall enure to the Person so named in the Bond or Policy so long as he shall continue in such Office, and afterwards to his Successors in the said Office for the Time being, in trust nevertheless for Her Majesty, Her Heirs and Successors; and the Person so named in the said Bond or Policy, and his Successors in Office, shall be entitled to all the Rights and Benefits of Action, Suit, and other Proceedings against the said Company, and for enforcing Execution upon any Judgment, Order, Decree, or other Proceeding against the Company, as any other Party to whom any Bond or Policy may be granted by the Company.

Evidence in Cases of Forfeiture of Policy.

XIII. It shall be lawful for the Lord High Treasurer or Commissioners of Her Majesty's Treasury, and for the Principal Officer or Officers of such Office or Department in which any such Bond or Policy shall be taken or accepted as aforesaid, by Certificate under their respective Hand or Hands, to declare that the Revenue has been damnified, or to state the Amount of the Loss occasioned by any Act done or any Payment or Duty omitted in contravention of the Duty or Purpose for the due Performance of which such Bond or Policy shall have been taken and accepted, and that the Production of such Certificate, and Proof of the Handwriting of the Person or Persons subscribing the same, whom it shall not be necessary to prove to have been at the Date of such Subscription an Officer or Officers of the Office or Department in which such Bond or Policy shall be taken and accepted, shall be final and conclusive Evidence in every such Action, Suit, or other Proceeding of the Truth of the Contents of such Certificate, and that the said Policy has become forfeited thereby to the Amount of the Loss stated in such Certificate; and thereupon

thereupon the Assured shall be entitled to recover such Amount, together with the Costs of such Action, Suit, or Proceeding.

The like Guarantee may be taken by way of Security required from Persons connected with the Administration of the Poor Laws.

XIV. From and after the *passing of this Act* it shall and may be lawful for the Poor Law Commissioners, and for all Guardians and other Officers acting in the Administration of the Laws for Relief of the Poor in England and of the Laws for Relief of the destitute Poor in Ireland, to take and accept, in lieu of any Bond or other Security of any Person or Persons given or to be given by any Persons connected with the Administration of the aforesaid Poor Laws, or any Officer or other Person accountable to any Board of Guardians, or other such Officers, the Guarantee of such Company to be given and executed in and by their Bond or Policy, Bonds or Policies, in the usual Form of such Bond or Policy, Bonds or Policies, or in such other Form as the Poor Law Commissioners aforesaid shall require, approve, or direct; and the same, when taken and accepted, shall be in lieu of the Security required by any Statute, Rule, or Regulation now in force, or to be from Time to Time in force; and for the Purposes aforesaid it shall be lawful for the Poor Law Commissioners aforesaid from Time to Time to make such Rules, Orders, and Regulations in the Premises as they shall think fit; and no Guardians, Officers, or other Persons shall accept the Security of such Bonds or Policies except in pursuance of and in accordance with such Rules, Orders, and Regulations of the said Poor Law Commissioners aforesaid.

How Bonds or Policies in such Cases shall be made.

XV. Every such Bond or Policy as last aforesaid shall (except when made to and in the Name of such Guardians or other Officers as a Corporation) be made to and in the Name of such Officer or other Person as the said Poor Law Commissioners by General or Special Order shall direct, with the Addition of the Name or Description of Office of such Person, and shall enure to the Person so named in the Bond or Policy so long as he shall continue in such Office, and afterwards to his Successors in the said Office for the Time being; and the Person so named in the said Bond or Policy and his Successors in Office shall be entitled to all the Rights and Benefits of Action, Suit, or other Proceedings against the said Company, and for enforcing Execution upon any Judgment, Order, or Decree, or other Proceeding against the said Company, as any other Party to whom any Bond or Policy may be granted by such Company.

The Treasury not to be personally liable for

XVI. Neither the Lord High Treasurer or Commissioners of the Treasury, or any of them, nor the Principal Officer or Officers of any such Office or Department as aforesaid, or any of them, nor the said

any Act done in pursuance of this Act.

Poor Law Commissioners, Guardians, or other Officers being authorized to accept such Bonds or Policies, shall be in any way personally liable for any Act done by them, or any of them, in pursuance of this Act, but that all Actions and Suits both at Law and in Equity commenced against them, or any of them, for any Act done by them, or any of them, in pursuance of this Act shall be null and void, and shall be quashed or stayed upon summary Motion by the Court in which they shall be commenced; which Court is hereby required to give to the Defendant or Defendants in such Action or Suit the full Costs of such Motion to be taxed between Attorney and Client.

The like Guarantee may be taken from any Officer of Savings Banks, Friendly Societies, &c.

XVII. Notwithstanding anything in any Act of Parliament passed or to be passed relating to Savings Banks, Friendly Societies, Loan Societies, Benefit Building Societies, Government Annuity Societies, and Industrial and Provident Societies, the Bonds and Policies of any such Companies may be received in lieu of or in addition to the Bond or Security of any Treasurer, Actuary, Cashier, or other Officer of such Institutions or Societies, and their or any of their Sureties, whereby any of the Provisions of the said Acts, or by any Rules of any of the said Institutions or Societies, such Officers are or shall be directed to give Security either by themselves, or by themselves and Sureties, and when the Parties authorized or directed to take such Bonds or Securities shall see fit to accept the Bonds or Policies of such Companies; and all the Provisions in any such Acts relating to the Deposit or Transmission of such Bonds given by any such Officer, or by such Officer and his Sureties, shall apply to the Bonds and Policies of the Company; and such Bonds or Policies may be without any Stamps; and such Bonds or Policies of the Company may be taken in lieu or substitution of any existing Bonds or Sureties if the Parties authorized to require or take such Bonds or Policies shall think fit, whereupon such existing Bonds or Securities shall be delivered up to be cancelled.

Proof of Age.

XVIII. When a Policy is granted by any Company without previously requiring Proof of the Age of the Party assured, such Company shall be allowed *Twelve* Calendar Months wherein to require such Proof of Age; and if within that Time the Company shall neglect to require such Evidence, such Company shall be deemed to have admitted such Age, and it shall not be lawful for such Company afterwards to dispute Payment of any Claim arising upon such Policy on the Ground that such Company had not Proof of such Age.

Amalgamation Clause.

XIX. If any Company shall be desirous of amalgamating with, or purchasing the Business of, or selling its Business to another Company, it shall be lawful for any such Company so being desirous of

of amalgamating with, or purchasing the Business of, or selling its Business as aforesaid, by a Special Resolution of the Shareholders or Members, as the Case may be, at an Extraordinary Meeting duly convened for the Purpose, to authorize such Amalgamation, Purchase, or Sale, as the Case may be, on such Terms and subject to such Conditions as shall be considered expedient, and such Special Resolution shall be absolutely binding on all the Shareholders or Members of such Company as aforesaid in all respects as if they had been expressly consenting Parties thereto, and such Company may assume the Name of the Company so amalgamating, purchasing, or selling, either alone or jointly with its own, provided that Notice of such Amalgamation, Purchase, or Sale shall be given to the Registrar, who shall thereupon record the same; provided that if no such Notice be given within *Three* Months after such Amalgamation, Purchase, or Sale, the Company wilfully neglecting to give such Notice shall incur a Penalty of *Five* Pounds per Day for every Day it so neglects after such *Three* Months, and that from and after such Registration all Actions or Suits shall be brought by or against the purchasing Company which shall alone be answerable for all Claims under any Policies or Contracts which may have been transferred to it, or which by the Agreement of Amalgamation or Purchase it may have undertaken: Provided always, that the Shareholders or Members of such Company so transferring its Engagements shall continue liable for a Period of *Three* Years from the Date of such Registration to contribute to the Debts and Engagements transferred in the event of the purchasing Company being unable to fulfil the same.

Existing Insurance Companies.

Registration.

Compulsory Registration of existing Companies.

XX. Every Insurance Company existing at the passing of this Act, whether incorporated by Act of Parliament, Royal Charter, or privileged by Letters Patent, or established by a Deed of Settlement, or by virtue of any Authority whatsoever, or in any way whatsoever, or completely registered under an Act passed in the Reign of Her present Majesty, Chapter One hundred and ten, intituled "An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies," or established between the Period of the Repeal of the said last-mentioned Act and the passing of the Twenty-first Victoria, Chapter Eighty, or since or otherwise howsoever, and carrying on the Business of Insurance either alone or in common with any other Business, shall, on or before the *First Day of January One thousand eight hundred and fifty-nine*, be registered as a Company under this Act: Provided nevertheless,

that all the Provisions contained in any Act of Parliament, Royal Charter, Letters Patent, Deed of Settlement, or other Instrument, except Companies established between the Period of the Repeal of Seven and Eight Victoria, Chapter One hundred and ten, and the passing of the Twenty-first Victoria, Chapter Eighty, constituting and regulating the Company, not otherwise inconsistent with or repugnant to this Act, shall be deemed to be Regulations of the Company within the Meaning of this Act.

Penalty for wilful Default in registering.

XXI. If any such Insurance Company as aforesaid shall make wilful Default in registering under this Act on or before the *First Day of January One thousand eight hundred and fifty-nine*, then, from and after such Day until the Day on which such Company is registered under this Act, the following Consequences shall ensue:

1. The Company shall be incapable of suing at Law or in Equity, but may be made a Defendant to a Suit either at Law or in Equity:
2. No Dividend shall be payable to any Shareholder, nor Interest upon any Stock in such Company, nor shall any Profits be divided amongst the Members of any such Company:
3. Every Company as aforesaid so making wilful Default shall for each Day during which such Default shall be made incur a Penalty of *Ten* Pounds, and such Penalty may be recovered by any Person, whether a Shareholder or Member, or not, in the Company; but such Default shall not render the Company illegal, nor subject to any Penalty or Disability other than as is specified in this Section.

Requisitions for Registration by existing Proprietary Companies.

XXII. On the Application of any existing Proprietary Company for Registration under this Act, the Public Officer of such Company herein-after mentioned shall deliver to the Registrar of Joint Stock Companies the following Documents, that is to say:

1. In case of any Proprietary Company existing at the Time of the passing of this Act, and consisting of *Seven* or more Members, a List showing the Name or Style of the Company, the Objects of the Company, the principal or only Place for carrying on its Business, and also a List showing the Names, Addresses, and Occupations, when known, of the Directors or other Managers, of the Public Officer, and all Persons who, on a Day named in such List, and not being more than *Three* clear Days before such Application, were Shareholders

Shareholders of such Company, with the Addition of the Number of Shares held by such Persons respectively, distinguishing such Share in Cases where they are numbered by their inclusive Numbers; thus, from One to Ten, from Eleven to Thirty, and so on; and also a Copy of any Act of Parliament, Royal Charter, Letters Patent, Deed of Settlement, or other Instrument constituting or regulating the Company:

2. In case of a Company completely registered under the said Act of the Eighth Year of Her present Majesty, Chapter One hundred and ten, there shall be delivered to the Registrar such List of Directors, Public Officer, and Members as herein-before mentioned: In case of a Company established between the Repeal of the said last-mentioned Act and the passing of the Twenty-first Victoria, Chapter Eighty, or since, there shall be delivered to the Registrar a Copy of the Instrument or Instruments constituting or regulating such Company along with such List of Shareholders or Members as herein-before mentioned.

Requisitions for Registration by existing Mutual Companies.

XXIII. On the Application of any existing Mutual Company, or partly Mutual and partly Proprietary Company, for Registration under this Act, the Public Officer of such Company shall deliver to the Registrar a List showing the Names, Addresses, and Occupations, when known, of the Directors or other Managers of the Company, the Public Officer, and of the Proprietors or Shareholders, if any, who, on a Day named in such List, and not being more than *Three* clear Days before such Application, were Directors, Managers, Public Officer, Proprietors, or Shareholders of such Company, with the Addition of the Shares, if any, held by such Persons respectively, distinguishing such Shares, where they are numbered, by their collective Numbers as aforesaid, and also a Copy of any Act of Parliament, Royal Charter, Letters Patent, Deed of Settlement, or other Instrument constituting or regulating the Company; and in the Case of a Company established between the Repeal of the Seventh and Eighth Victoria, Chapter One hundred and ten, and the passing of the Twenty-first Victoria, Chapter Eighty, a Copy of the Instrument or Instruments constituting or regulating such Company, with such List as aforesaid.

Requisitions for Registration by Company whose Shares have

XXIV. When an existing Proprietary Company has had the whole or any Portion of its Capital converted into Stock, such Company shall, as to the Capital so converted, instead of delivering to the Registrar of Joint Stock Companies a List as aforesaid, deliver to

been converted into Stock.

the Registrar a Statement of the Amount of Stock belonging to the Company, and the Names, Addresses, and Occupations, when known, of the Persons who were Holders of such Stock, and the Amount held by each; and as to the Capital represented by Shares a List showing the Names, Addresses, and Occupations, when known, of the Persons who, on a Day named in such Statement and List, and not being more than *Three* clear Days before the Day of such Application, were Directors, Public Officer, Shareholders, or Proprietors, or Stockholders in such Company, with the Addition of the Number of Shares, if any, held by such Persons respectively, distinguishing such Shares, in Cases where they are numbered, by their collective Numbers as aforesaid.

Lists to be authenticated by Declaration.

XXV. The Lists and Statements of Members, Directors, Public Officer, Shareholders, and of Stock and Stockholders, and any other Particulars relating to the Company and by this Act required to be delivered to the Registrar, shall be verified by the joint Declaration of *Three* of the Directors, and of the Public Officer of the Company delivering the same, made under the Provisions of the Act passed in the Sixth Year of the Reign of His Majesty King William the Fourth, Chapter Sixty-two, and any Party guilty of making a false Declaration shall be liable to all the Penalties thereof, and may be prosecuted accordingly.

Certificate of Registration of existing Companies.

XXVI. Upon compliance with the foregoing Requisitions the Registrar shall certify under his Hand that the Company so applying for Registration is incorporated as a Company under this Act, and thereupon such Company shall be incorporated, and shall have perpetual Succession and a Common Seal, with Power to hold Lands, but with such Liability on the Part of the Members to contribute to the Assets of the Company in the event of the same being wound up, as is herein-after mentioned.

No Registration Fees.

XXVII. No Fees shall be charged by the Registrar in respect of the Registration under this Act of any Company existing at the Time of the passing of this Act: Provided, that Companies established between the Repeal of the Seventh and Eighth Victoria, Chapter One hundred and ten, and the passing of the Twenty-one Victoria, Chapter Eighty, shall be compelled to pay such Fees in respect of Registration as such Companies would have had to pay if they had registered under the Seventh and Eighth Victoria, Chapter One hundred and ten.

Penalty for not delivering such Documents.

XXVIII. If any Insurance Company aforesaid shall make wilful Default in delivering to the Registrar any of the Documents by this Act

Act required to be delivered on the Application of such Company for Registration, such Company shall incur a Penalty of *Twenty* Pounds per Day for every Day during which such Company shall so make default.

Certificate to be Evidence.

XXIX. The Certificate of Incorporation given by the Registrar to any Company existing at the passing of this Act in pursuance of this Act, shall be conclusive Evidence that all the Requisitions herein contained in respect of Registration under this Act have been complied with, and that such Company is an Insurance Company within the Meaning of this Act, and the Date of such Certificate shall be deemed to be the Date at which the Company is incorporated under this Act.

Where Company unable to comply with Act as to Registration.

XXX. If any existing Insurance Company hereby required to be registered as aforesaid is, by reason of any special Circumstances attending its Constitution or Regulations, unable to comply with the Provisions of this Act with regard to Registration, the Board of Trade may, on the Application of such Company in any Writing under the Hands of Three of its Directors and the Counter-signature of its Public Officer to that Effect, either dispense with the Compliance of such Company with any One or more of its Provisions, or empower such Company to make such Alterations in its Constitution or Regulations as will enable it to comply with the Provisions of this Act relating to Registration.

Provisions of 11 Vict. c. 45., 12 & 13 Vict. c. 118., 7 & 8 Vict. c. 111., and 8 & 9 Vict. c. 98., not to apply to Companies registered under this Act.

XXXI. The following Acts shall not apply to Companies registered under this Act; that is to say,

1. An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Forty-five, and intituled "An "Act to amend the Acts for facilitating the Winding-up "of the Affairs of Joint Stock Companies unable to meet "their pecuniary Engagements, and also facilitate the "Dissolution and Winding-up of Joint Stock Companies "and other Partnerships."
2. An Act passed in the Thirteenth Year of the Reign of Her present Majesty, Chapter One hundred and eight, and intituled "An Act to amend the Joint Stock Companies "Winding-up Act, 1848."
3. An Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and eleven, and intituled "An Act for facilitating the Winding-up the "Affairs of Joint Stock Companies in Scotland unable to "meet their pecuniary Engagements."

Registration not to affect Obligations incurred previously to Registration.

4. An Act passed in the Ninth Year of the Reign of Her present Majesty, Chapter Ninety-eight, and intituled "An "Act for facilitating the Winding-up the Affairs of Joint "Stock Companies in Ireland unable to meet their pecu- "niary Liabilities."

XXXII. The Registration under this Act of any Insurance Company existing at the Time of the passing of this Act shall not affect or prejudice the Rights of such Company to enforce or its Liability to have enforced against it any Debt or Obligation incurred or any Contract entered into, by, to, with, or on behalf of such Company previously to such Registration; and all such Debts, Obligations, or Contracts shall be binding on the Parties thereto to the same Extent as if such Registration had not taken place.

Saving of Liabilities of Persons who were Members before Registration under this Act.

XXXIII. Every Person who, at or previously to the Date of the Registration of any Insurance Company under this Act, may have been a Member of such Company shall, in the event of the same being wound up by the Court or voluntarily, as herein-after provided, be liable to contribute to the Assets of the Company the same Amount that he would have been liable to pay to the Company if this Act had not been passed, as also for or on account of any Debt of the Company in pursuance of any Action, Suit, Payment, or other legal Proceeding that might, if this Act had not been passed have been instituted or enforced against himself or the Company, or the Public Officer thereof.

Continuance of existing Actions or Suits.

XXXIV. All such Actions, Suits, and legal Proceedings as may at the Time of Registration under this Act have been commenced by or against such Company, or the Public Officer thereof, may be continued in the same Manner as if such Registration had not taken place or this Act had not passed, nevertheless Execution shall not issue against the Effects of any individual Member of such Company upon any Judgment, Decree, or Order obtained against such Company in any Action, Suit, or Proceeding so commenced as aforesaid, but in the event of the Property and Effects of the Company being insufficient to satisfy such Judgment, Decree, or Order, an Order may be obtained for winding up the Company in manner herein-after directed.

All Property vested in Trustees shall on Registration of the Company be

XXXV. All Real and Personal Property in England and Ireland, all Property heritable and moveable in Scotland, and all Deeds, Bonds, Obligations, and Rights vested in any Person or Persons in trust for or on behalf of any Insurance Company at the Date of its Registration under this Act, shall, immediately on the Registration of

of such Company, be transferred to the Company as incorporated under this Act for all the Estate and Interest of the Company therein; but so nevertheless that no Merger shall take place of any Estates by reason of their Union in the Company under this Act, unless with the Assent of the Directors testified in Writing under the Seal of the Company and the Signature of *Three* Directors, countersigned by the Public Officer: Provided always, that all Moneys of the Company which are or shall be invested in the Parliamentary Stocks or Public Funds of Great Britain or Ireland shall be transferred to or invested in the Names of Two or more of the Directors of the Company who shall be appointed for that Purpose by the Board of Directors with the Sanction of the Shareholders, Stockholders, or Members in General Meeting, and such Directors shall be required to execute a Declaration of Trust in respect of such Investments or Transfers.

transferred to the Company; but no Merger shall take place.

PART II.

Constitution and Incorporation of future Insurance Companies.

Registry.

XXXVI. *Seven* or more Persons associated for the Purpose of carrying on the Business of Insurance, either alone or in common with other Business, may, by subscribing their Names to a Memorandum of Association, and otherwise complying with the Requisitions of this Act in respect of Registration, form themselves into a Proprietary or Mutual Company, or a Company partly proprietary and partly mutual.

Company formed by Memorandum of Association and Registration.

XXXVII. If, after the *passing of this Act Seven* or more Persons shall carry on the Business of an Insurance Company, then, unless such Persons are registered as a Company under this Act, each One of such Persons so carrying on such Business together contrary to this Provision shall be severally liable for the whole Debts of the Company, and may be sued for the same without Joinder in the Action or Suit of any Member of the Partnership.

Seven or more Persons carrying on Insurance Business shall register.

XXXVIII. The Memorandum of Association of a Proprietary Company shall contain the following Things; (that is to say,)

1. The Name of the proposed Company:
2. The Part of the United Kingdom, whether Great Britain or Ireland, in which the registered Office of the Company is proposed to be situate:

Requisitions of Memorandum of Association of a Proprietary Company.

3. The Objects for which the proposed Company is to be established:
4. The Amount of the nominal Capital of the proposed Company:
5. The Number of Shares into which such Capital is to be divided, and the Amount of each Share.

Requisition of Memorandum of Association of a Mutual Company.

XXXIX. The Memorandum of Association of a Mutual Company shall contain the following Things; (that is to say,)

1. The Name of the proposed Company:
2. The Part of the United Kingdom, whether Great Britain or Ireland, in which the registered Office of the Company is proposed to be situate:
3. The Objects for which the proposed Company is to be established:
4. The proposed Number of Members, or, if the Number of Members is intended to be unlimited, a Statement to that Effect:

But nothing herein contained shall prevent any Company carrying on Business, notwithstanding it may not have attained its proposed Number of Members.

Every Insurance Company to register under this Act.

XL. Every Insurance Company established between the Repeal of the Seventh and Eighth Victoria, Chapter One hundred and ten, and the Enactment of Twenty-first Victoria, Chapter Eighty, is hereby required forthwith on the passing of this Act to register under this Act, and shall for all the Purposes of this Act be considered as a Company established since the passing of this Act: Provided, that all Acts, Matters, and Things done by and against such Company, upon and by such Company, up to the passing of this Act, shall be binding upon and between such Company and the other Parties thereto in all respects as if this Act had not been passed.

Two Companies having similar Names shall not be registered.

If registered through Inadvertence.

XLI. No Company shall be registered under a Name identical with that of an existing Company, or identical with that by which an existing Company is already registered, or so nearly resembling the same as to be calculated to mislead; and if any Company, inadvertently or otherwise, has been registered by a Name identical with that of an existing Company, or identical with that by which an existing Company is registered, or so nearly resembling the same as to be calculated to mislead, the Registrar shall call upon the Public Officer

Officer of such Company so inadvertently or otherwise registered, by Notice in Writing under his Hand, forthwith to change the Name of such Company, and upon such Change being made, the Registrar shall enter the new Name on the Register in the Place of the former Name; but no such Alteration of Name shall affect any Rights or Obligations of the Company, or render defective any legal Proceedings instituted or to be instituted by or against the Company, and any legal Proceedings may be continued or commenced against the Company by its new Name that might have been continued or commenced against the Company by its former Name: Provided always, that where any such Alteration in the Name of the Company shall be made as aforesaid, all the Rights, Liabilities, Acts, Matters, Deeds, and Things done by and against such Company shall be as valid and binding as if no such Alteration had taken place.

Public Officer to alter Name outside registered Office.

XLII. As soon as the new Name is returned to the Registrar the Public Officer of such Company shall cause the old Name to be altered in conformity therewith outside the registered Office of the Company, and shall insert in *Three* Morning Papers circulating in the District where such registered Office is situate a Notification of the Change of the Name of such Company, stating its new Name and the Cause of the Alteration.

Form of Memorandum of Association of Proprietary Company.

Of a Mutual Company.

XLIII. The Memorandum of Association of a Proprietary Company shall be in the Form marked (A.) in the Schedule hereto, and the Memorandum of Association of a Mutual Company shall be in the Form marked (B.) in the Schedule hereto, or as near thereto as Circumstances admit, and it shall, when registered, bind the Company and the Members thereof to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto or otherwise duly executed the same, and there were in such Memorandum contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to conform to all Regulations of such Memorandum subject to the Provisions of this Act.

Subscribers of Memorandum of Proprietary Company to take Shares.

Of a Mutual Company.

XLIV. Every Subscriber of a Memorandum of Association of a Proprietary Company shall take One Share at the least in the Company, and shall be compellable to pay the Calls thereon; every Subscriber of a Memorandum of Association of a Mutual Company shall engage to hold a Policy on his own Life or the Life of another; the Number of Shares taken and the Amount of the Policy subscribed, as the Case may be, by each Subscriber shall be set opposite his Name in such Memorandum of Association, and upon the Registration of the Company he shall be entered in the Register of Members to be kept at the registered Office of the Company hereinafter

after mentioned as a Holder of the Shares or Policy so subscribed for by him.

Memorandum of Association to be accompanied by Articles of Association, prescribing Regulations of the Company.

XLV. The Memorandum of Association shall be accompanied by Articles of Association signed by the Subscribers to the Memorandum of Association, and prescribing such Regulations for the Organization and Management of the Company and for such other Matters as the Subscribers to the Memorandum of Association may deem expedient; such Articles of Association shall embody all the Provisions contained in Table (B.) in the Schedule hereto; they shall, when registered, bind the Company and the Members thereof to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto, or otherwise duly executed the same, and there were in such Articles contained, on the Part of each Subscriber, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Articles subject to the Provisions of this Act, provided that such Memorandum of Association and Articles of Association shall for all Purposes be considered as embodied in this Act.

Stamp on Memorandum and Articles of Association.

XLVI. The Memorandum of Association and Articles of Association may be printed or written, *and shall together bear One Deed Stamp and no more*; the Execution by any Person of the Memorandum of Association or Articles of Association shall be attested by One Witness at the least, which shall be sufficient in Scotland as well as in England and Ireland.

Registration of Memorandum of Association and Articles of Association.

XLVII. The Memorandum of Association and Articles of Association shall be delivered to the Registrar of Joint Stock Companies, who shall retain and register the same: There shall be paid to the Registrar of Joint Stock Companies, by a Proprietary Company, in respect of the several Matters mentioned in the Table marked (C.) in the Schedule hereto, the several Fees therein specified, or such smaller Fees as the Board of Trade may from Time to Time direct; and by a Mutual Company in respect of the several Matters mentioned in the Table marked (D.) in the Schedule hereto, the several Fees therein specified, or such smaller Fees as the Board of Trade may from Time to Time direct; all Fees so paid shall be paid into the Receipt of Her Majesty's Exchequer, and be carried to the Account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Effect of Registration.

XLVIII. Upon any such Memorandum of Association, together with Articles of Association as aforesaid being registered, the Registrar shall certify under his Hand that the Company is incorporated: The Subscribers of the Memorandum of Association and Articles

Articles of Association, together with such other Persons as may from Time to Time become Members of the Company, shall thereupon be a Body Corporate by the Name prescribed in the Memorandum of Association, or, where the same has been altered pursuant to the Provisions herein-before in that Behalf contained, by such altered Name, having a perpetual Succession and a Common Seal, with Power to hold Lands, but with such Liability on the Part of the Members to contribute to the Assets of the Company, in the event of the same being wound up, as is herein-after mentioned: The Certificate of Incorporation given by the Registrar shall be conclusive Evidence that all the Requisitions of this Act in respect of Registration have been complied with, and that the Company is an Insurance Company within the Meaning of this Act, and the Date of such Certificate shall be deemed to be the Date of the Incorporation of the Company.

Certificate of Incorporation Evidence of Registration.

XLIX. A printed Copy of the Memorandum of Association and the Articles of Association shall be bound together and kept at the registered Office of the Company for Signature, and each Member of the Company shall, on his joining the Company, be required to sign the same, and his Signature shall be attested in Scotland as well as in England and Ireland by One Witness at least, and the Number of Shares taken by each Subscriber shall be set opposite his Name, and upon the Incorporation of the Company the Register of Members herein-after mentioned shall from this Copy be made up: Where the proper Stamp has been duly affixed on such Memorandum of Association and Articles of Association it shall not be necessary to stamp any printed Copy so signed as aforesaid: If such Company shall wilfully neglect to keep or get signed as aforesaid such Copy the Company shall incur a Penalty of *Two* Pounds per Day for every Day during which such Neglect shall have taken place.

A Copy to be kept at Office for Signature.

Penalty.

L. The Company shall sue and be sued in its Corporate Name in respect of any Claim by or upon the Company upon or by any Person, whether a Member of the Company or not, so long as any such Claim may remain unsatisfied.

Company may sue and be sued in its Corporate Name.

LI. The Company shall, upon Incorporation, proceed to issue Certificates of Shares, but not Scrip; such Certificates may represent One or more Shares, and shall state the Name and Address of the Proprietor, and the collective Number of Shares which such Certificate represents, and the Amount paid up in respect of each Share at the Date of such Certificate, and shall be signed by *Three* Directors

Company shall upon Incorporation issue Shares.

Directors and countersigned by the Public Officer, and shall have the Common Seal of the Company affixed to it, and for each Certificate the Company may demand any Sum not exceeding *Five Shillings*.

Certificates Evidence of Proprietorship.

LII. Such Certificates shall be primâ facie Evidence in all Courts of Law and Equity of the Title of the Party named therein to the Share therein specified; but the Want of such Certificate shall not prevent the Holder of any Shares from disposing of them.

Renewal of Certificates.

LIII. If a Certificate be worn out or damaged, lost or destroyed, the Directors are, upon the Production thereof or other Evidence of its Identity or Loss or Destruction, hereby required to give another similar One to the Proprietor thereof, and to cause an Entry to be made of the substituted Certificate in the Register of Shareholders, and the Company may charge not more than *Five Shillings* for any Certificate so given as aforesaid: If the Company shall wilfully neglect to give such Certificate when required, such Company shall incur a Penalty of not less than *Five Pounds* for any such Offence.

Premiums paid within Days of Grace allowed by Company shall be deemed to be Payments within the Period mentioned in the Policy.

LIV. Every Insurance Company professing to allow any given Period for the Payment of the Premium upon any Policy of Insurance beyond the Day on which, according to the Terms of the Policy, such Premiums shall become due, shall be deemed to have agreed to extend the Day of Payment of such Premiums to the last Day of the Period so professed to be allowed for Payment; and such Company, in case a Claim shall have arisen, shall be compelled to receive within such extended Period of Payment any Premium previously due; and all Policies shall be binding upon such Company when the Premiums are so paid as aforesaid, although a Claim may have arisen between the Period fixed for the Payment of the Premium in the Policy and such extended Period: Provided, that nothing herein contained shall be held to compel, or be construed so as to compel, any Company to renew a Policy by the Term whereof such Company has the Power to terminate such Policy: Provided also, that in all Cases where the Company has issued a Policy not annually renewable without the Consent of such Company, and upon such Policy during such extended Period a Claim shall have arisen, then and in such Case, after Payment of such Claim, the said Company shall not be compelled to renew such Policy, provided that *One Month's* Notice shall be given of the Intention to determine such Policy.

AUDITORS.

Auditors for existing Companies to be nominated by Directors and Shareholders and approved by Board of Trade.

LV. Every Insurance Company shall once at least in every Year have a Balance Sheet of its Affairs prepared, which shall be duly audited by at least Two Auditors, whose Names shall be returned to the Board of Trade: The Directors or other Managers of every Insurance Company existing at the *passing of this Act* shall at its First General Meeting after the *passing of this Act* nominate One Auditor, and the Shareholders or Members shall at the same Time nominate another, and immediately after such Meeting the Public Officer shall return the Names of such Auditors to the Board of Trade and to the Registrar of Joint Stock Companies.

Auditors for future Companies.

LVI. The Promoters of every Insurance Company to be hereafter established shall, for the Purpose of auditing the First Year's Accounts of such Company, appoint Two or more Auditors, and immediately after such Appointment the Public Officer shall return the Names of such Auditors to the Board of Trade and to the Registrar of Joint Stock Companies, who shall register the same; and at the First Ordinary Meeting after the Establishment of such Company the Directors shall nominate One, and the Shareholders or Members shall nominate another Auditor; and the Public Officer shall, immediately after such Meeting, return the Names of such Auditors to the Board of Trade and to the Registrar of Joint Stock Companies, who shall register the same: No Auditor of an Insurance Company shall be appointed except as aforesaid.

Auditors may hold Office for Three Years.

LVII. Every Auditor may hold Office for *Three* Years, and at the Termination thereof shall be eligible for Re-election, and his Name on Re-election shall be returned to the Board of Trade and the Registrar of Joint Stock Companies for Registration, as hereinbefore directed with regard to the original Appointment of Auditors: If the Office of Auditor becomes vacant the Public Officer shall immediately convene a Meeting or Meetings of the Shareholders or Directors, as the Case may be, to fill up such Vacancy, and shall proceed therein in the same Manner in all respects as before directed for the Appointment of Auditors: *Ten* Days Notice of such Meetings, stating the Object, shall be given in the Manner in this Act prescribed for convening Public Meetings.

Vacancies how filled up.

Penalty for neglecting.

LVIII. If any Company shall wilfully neglect for a Period of *Three* Months to appoint Auditors or fill up such Vacancies as aforesaid, such Company shall incur a Penalty of *Five* Pounds per Day for every Day after the Expiration of such *Three* Months during which such Company shall be without Auditors: Each Auditor

Balance Sheet to be delivered to Auditors.

shall be supplied with a Copy of the Balance Sheet, made out in the Form (H.) or (I.) in the Schedule hereto, at least *Twenty-eight* Days previous to the Meeting at which such Balance Sheet is by this Act required to be produced to the Shareholders, Stockholders, or Members; and it shall be his Duty to examine and inspect the Register of Shareholders and Transfers, and the Account Books of the Company, and to examine such Balance Sheet, with the Accounts and Vouchers relating thereto, and certify that he has examined such Balance Sheet and compared the Items it comprises with the several Books and Vouchers relating thereto, and, if so, that he has found the same to be correct: Provided that the preliminary Expenses in the Formation of a Company may be charged upon the First Year of a Company or spread over a Period of *Fifteen* Years.

Duty of Auditors.

Penalty for not delivering Balance Sheet.

LIX. And if any Company shall wilfully neglect to supply any Auditor with such Balance Sheet at the Time aforesaid, such Company shall incur a Penalty not exceeding *Five hundred* Pounds: The Auditors may demand and have the Assistance of such Officers and Servants of the Company, and such Documents as they shall require, for the full Performance of their Duties in and about the Audit of Accounts.

Auditors to report within 14 Days of the Receipt of the Balance Sheet.

LX. The Auditors shall, within *Fourteen* Days after the Receipt of the Balance Sheet and Accounts, make a Report to the Shareholders, Stockholders, or Members upon such Balance Sheet and Accounts, and upon the said Securities, and the Manner in which the said Books are keept, and sign and deliver the same to the Directors: In every such Report the Auditors shall state whether, in their Opinion, the Balance Sheet is a full and fair Balance Sheet, containing the Particulars required by this Act, properly drawn up so as to exhibit a true and correct View of the State of the Company's Affairs; and in case they have called for Explanations or Information from the Directors or other Officers, whether such Explanations or Information have been given by the Directors or other Officers, and whether they have been satisfactory; and such Report shall be read, together with the Report of the Directors, at the Ordinary Meeting; and if such Auditors shall wilfully neglect to make such Report at the Time aforesaid, or shall wilfully misrepresent the Position or Condition of the Company, each of them shall incur a Penalty of *Twenty Pounds* for each such Offence.

Penalty.

List of Books, &c. to be delivered to Auditors.

LXI. On the Auditors attending at the registered Office of the Company for the Discharge of their Duties the Public Officer shall deliver to such Auditors a List of the Books of Account of the Company, the Register Books, and of the Securities and Obligations of the

the Company, and in wilful Default thereof the Company shall incur a Penalty of *Fifty Pounds.*

Every Six Months may inspect Books, &c.

LXII. Once in every *Six* Months it shall be lawful for the Auditors and they are hereby authorized to inspect the Books of Account and Register Books of the Company, and to demand and have the Assistance of the Officers or Servants of the Company and such Documents as they shall require, provided that upon such Inspection the Auditors shall give to the Public Officer of the Company *Ten* Days Notice in Writing fixing the Day and Hour of every such Inspection: Provided also, that if any Auditors are wilfully refused such Access to the said Books and Documents they shall report the same to the Shareholders, Stockholders, or Members at their next Meeting: *Seven* Days before the Annual or Half-yearly Meeting of the Shareholders, Stockholders, or Members of the Company, as the Case may be, the Directors shall cause to be sent a printed Copy of the Balance Sheet so signed by the Auditors as aforesaid, and a Copy of their Report, to every Shareholder, Stockholder, or Member, addressed to his registered Place of Abode; and shall at such Meeting or Meetings cause such Balance Sheet and Report, together with the Report of the Directors, to be read: Provided, that if any Company shall wilfully neglect or refuse to send such Balance Sheet and Report to the Shareholders, Stockholders, or Members at the Time herein specified such Meeting shall be absolutely null and void.

Publication of Report and Balance Sheet.

Penalty to invalidate Meeting.

Balance Sheet and Auditors and Directors Reports to be registered.

LXIII. Within *Fourteen* Days after such Meeting or Meetings the Public Officer is hereby required to return to the Registrar a Copy of the said Balance Sheet and of the said Reports, and the Registrar is hereby required to register the same with the other Documents relating to such Company.

Penalty.

LXIV. If the Public Officer shall wilfully neglect within the Time in the preceding Clause mentioned to return to the Registrar the said Balance Sheet and Reports, the said Company shall incur a Penalty of *Five* Pounds for every Day during which such Neglect shall be made.

Companies established between Repeal of 7 & 8 Vict. c. 110. and its Re-enactment shall return Balance

LXV. Every Company established between the Repeal of the Seventh and Eighth of Victoria, Chapter One hundred and ten, and the passing of the Twenty-first of Victoria, Chapter Eighty, shall immediately upon the *passing of this Act* return to the Registrar of Joint Stock Companies all such Balance Sheets, signed by the Auditors of the Company, as should have been returned to the Registrar if the former Act had not been repealed, so as to complete and make

Sheets for that Period.

perfect the Series of Balance Sheets of such Company: Provided, that if such Company shall fail to make such Returns within *Three* Months from the passing of this Act, such Company shall incur a Penalty of *One hundred Pounds* per Day for every Day during which such Default shall be made after the Expiration of the said Month.

DIVIDENDS.

Dividends to be paid out of Profits.

LXVI. No Dividend shall be declared or paid except from the Profits arising from the Business of the Company.

PART III.

Register of Members.

Register of Members of Proprietary Company.

LXVII. Every Proprietary or partly Proprietary Company shall cause to be kept in One or more Books a Register of its Members, and there shall be entered therein the following Particulars:

1. The Names, Addresses, and Occupations, when known, of the Shareholders of the Company, and the Shares held by each of them, distinguishing each Share by its Number, except in the Case of Companies that existed at the Time of passing this Act and have not their Shares numbered:
2. The Amount paid on the Shares of each Shareholder:
3. The Date at which the Name of any Person is entered in the Register as a Member:
4. The Date at which any Person ceased to be a Shareholder in respect of any Share:

Such Register shall be opened immediately on obtaining the Certificate of Incorporation of the Company, and the Entries therein shall be made from the Entries in the Office Copy of the Memorandum of Association and Articles of Association by this Act required to be signed by the Shareholders so far as they are applicable, and any Alterations in or Additions to the said Register shall be annually returned to the Registrar of Joint Stock Companies in such Form and at such Periods as the Board of Trade shall from Time to Time require.

Penalty on Proprietary Company not keeping proper Register.

LXVIII. If any Proprietary or partly Proprietary, and Mutual or partly Mutual, Company makes wilful Default in opening such Register as aforesaid, or in keeping a Register of its Members as aforesaid

aforesaid, or in sending a Copy of such Alterations in or Additions to such Register to the Registrar of Joint Stock Companies in compliance with the Provisions of this Act, such Company shall incur a Penalty of *Five Pounds* for every Day during which such Default shall be made as aforesaid.

Register of Mutual Company.

LXIX. Every Mutual or partly Mutual and partly Proprietary Company shall cause to be kept in One or more Books a Register of its Members, and there shall be entered therein the following Particulars:

1. The Names, Addresses, and Occupations, when known, of its Members, and, if partly Proprietary, of its Shareholders, and the Shares held by each of them, distinguishing each Share by its Number, except in the Case of Companies that existed at the passing of this Act and have not their Shares numbered:
2. The Amount paid on the Shares of each Shareholder:
3. The Date at which the Name of any Person was entered in the Register as a Member:
4. The Date at which any Person ceased to be a Member or Shareholder:

Such Register shall be opened immediately on obtaining the Certificate of Incorporation of the Company, and the Entries therein shall be made from the Official Copy of the Memorandum of Association and Articles of Association.

Penalty.

LXX. If any such Company make wilful Default in opening such Register or in keeping a Register of its Members as aforesaid, such Company shall incur a Penalty not exceeding *Five Pounds* for every Day during which Default shall be made as aforesaid.

Register of Stockholders.

LXXI. Every Insurance Company whose Capital has been converted into Stock or partly into Stock, pursuant to the Provisions herein-after contained, shall cause to be kept in One or more Books a Register of its Stockholders or Shareholders, and there shall be entered therein the following Particulars:

1. The Names, Addresses, and Occupations, when known, of its Share or Stock Holders, distinguishing them and the Number of Shares or Amount of Stock held by each of them, except in the Case of Companies that existed at the passing of this Act and have not their Shares numbered:
2. The Amount paid on the Shares or each *One hundred Pounds* of Stock:

3. The Date at which the Name was entered on the Register:
4. The Date at which any Person ceased to be a Holder of Stock or Shares:

And any Alterations in or Additions to the said Register shall be annually returned to the said Registrar of Joint Stock Companies in such Form and at such Periods as the said Board of Trade shall from Time to Time require.

Penalty.

LXXII. If any Insurance Company whose Capital has been converted into Stock or partly into Stock make wilful Default in opening such Register, or in keeping such Register as aforesaid, or in sending as aforesaid to the Registrar of Joint Stock Companies such Alterations in or Additions to such Register in compliance with the foregoing Provisions, such Company shall incur a Penalty of *Five Pounds* per Day for every Day during which Default shall be made as aforesaid, and any Person may inspect and take Copies of the same, subject to the Rules of the Office of the Registrar of Joint Stock Companies.

Inspection of Register.

LXXIII. The Register of Members and of Transfers herein-after referred to, commencing from Date of the Registration of the Company under this Act, shall be kept at the registered Office of the Company: It shall during Business Hours, but subject to such reasonable Restrictions as the Company in General Meeting may impose, so that not less than *Two* Hours in each Day be appointed for Inspection, be open to the Inspection of any Member gratis, and every such Member may require a Copy of such Register or of any Part thereof on Payment of *Sixpence* for every One hundred Words required to be copied: If such Inspection or Copy is refused the Company shall incur for each Refusal a Penalty of *Two Pounds*, and a further Penalty not exceeding *Two Pounds* for every Day during which such Refusal continues.

Power to close Register.

LXXIV. The Company may, upon giving Notice by Advertisement in *Three* Morning Papers circulating in the District in which the registered Office of the Company is situated, close the Register of Members for any Time or Times not exceeding in the whole *Twenty-one* Days in each Year, and the Period during which the Books are closed shall not be reckoned as Part of the Time within which a Transfer of any Share or Stock is to be registered.

Remedy for improper Entry or Omission of Entry in Register.

LXXV. If the Name of any Person is without sufficient Cause entered or omitted to be entered in the Register of Members or Shareholders, or Register of Transfers, or Register of Stockholders, as the Case may be, of any Insurance Company, such Person, or any Member

Member of the Company, may, as respects Companies registered in England or Ireland by Motion in any of Her Majesty's Superior Courts of Law or Equity, and as respects Companies registered in Scotland by summary Petition to the Court of Session, apply to such Court for an Order that the Register may be rectified; and the Court may either refuse such Application, with Costs, to be paid by the Applicant, or without Costs, or it may, if satisfied with the Justice of the Case, make an Order for the Rectification of the Register, and may direct the Company to pay all Costs of such Motion or Petition and any Damages the Party aggrieved may have sustained; or, if the Company make wilful Default or is guilty of unnecessary Delay in registering any Transfer of Shares, it shall be responsible to any Person injured by such Default or Delay for the Amount of Damage he may thereby have sustained, which may be recovered in any Court of Law established for the Trial of Actions: The Court may, in any Proceeding under this Section, decide on any Question relating to the Title of any Person who is a Party to such Proceeding to have his Name entered in or erased from the Register of Members or Shareholders, or of Transfers, or of Stockholders, whether such Question arises between Two or more Members or alleged Members, or between any Member or alleged Member, and the Company; and generally the Court may in such Proceedings decide any Question that it may be necessary or expedient to decide for the Rectification of the Register: The Registers of Members, Shareholders, or Stockholders, or of Transfers, shall be primâ facie Evidence of any Matters by this Act directed or authorized to be inserted therein, and of the Title of any Person whose Name is entered thereon to the Shares in respect of which such Entry is made.

Register to be Evidence.

LXXVI. A Copy of the printed Memorandum of Association and Articles of Association shall be forwarded to every Member, at his Request, by the Public Officer, on Payment of the Sum of *Five* Shillings for each Copy; and if the Public Officer makes wilful Default in so forwarding the same when requested, the Company shall for each Offence incur a Penalty not exceeding *Ten* Pounds, and a further Penalty of *Ten Pounds* per Day for every Day during which the said Default shall be made.

Copies of Memorandum and Articles of Association to be given to Shareholders.

LXXVII. Any Insurance Company may, by Special Resolution, convert into Stock any Shares which have been fully paid up, and upon such Conversion being made all the Provisions of this Act which require or imply that the Capital of the Company is divided into Shares of any fixed Amount and distinguished by Numbers, and all the Provisions of the Act which require the Company to keep

Power to convert paid-up Shares into Stock.

a Register of Shareholders, or to make an annual Return of the Alterations in or Additions to the Shareholders in the Register, shall cease to apply as to so much of the Capital as has been so converted into Stock.

Notice to be given to Registrar.

LXXVIII. Any Company that has so converted all or any Part of its Capital into Stock shall give Notice of such Conversion, specifying the Shares so converted, to the Registrar of Joint Stock Companies within *Fifteen* Days after the Date of the Meeting at which such Resolution was confirmed authorizing such Conversion, and the Registrar shall forthwith record the Fact of such Conversion: If wilful Default is made in giving such Notice within the specified Period the Company shall incur a Penalty not exceeding *Five Pounds* for every Day during which such Neglect continues.

Penalty.

No Trust to be entered on Register.

LXXIX. No Trust shall be entered on any Register of Shareholders, Stockholders, or Members, or of Transfers.

Definition of a Member.

LXXX. In a Proprietary Company every Person who has become a Member of the Company in manner prescribed by the Regulations of the Company, or who has signed the Memorandum of Association and Articles of Association, or the Office Copy thereof, in the Manner before prescribed, and whose Name is entered in the Register of Shareholders or Members, and no other Person, shall for the Purposes of this Act be deemed to be a Member of such Company: In a Mutual Company every Person who has become a Member of the Company in manner prescribed by the Regulations of the Company, and whose Name is entered on the Register of Members, and no other Person, shall, for the Purposes of this Act, be deemed to be a Member of such Company: In every Insurance Company whose Capital has been converted into Stock the Stockholders shall be deemed to be Members of such Company, and no others.

Transfer of Shares.

Every Shareholder may sell or transfer his Share, subject to Approval by Board.

LXXXI. Every Shareholder in an Insurance Company shall be at liberty to transfer his Share or Shares, subject to the Approval by the Board of Directors of the proposed Transferee; provided, that if such Transferee shall be disapproved of by the Board the Public Officer shall notify the same to the Transferor within *Ten* Days after Application to register such intended Transferee; and if within that Time such Notice shall not be given it shall be deemed that such Transferee is approved, and shall in that Case be registered accordingly: In case the Directors shall disapprove such proposed Transferee,

feree, they shall within *Seven* Days from the Date of such Disapproval find a Purchaser of such Share or Shares at the then Market Price thereof, otherwise the Transferor shall be entitled to transfer the same to the Person proposed by him: Provided, that if the Directors can show that the Means of the proposed Transferee are insufficient to pay any Calls that might be made upon such Shares, then the Directors shall not be required to take the said Shares at the Market Price: Provided also, that the Transferor shall continue liable for a Period of *Three* Years from the Date of Transfer to contribute to the Debts and Engagements of the Company and to the Reimbursement of any Loss, Damages, Costs, and Charges sustained by the Company notwithstanding such Transfer, with this Exception, that the Transferor shall not be so liable to contribute in respect of any Debts or Engagements of the Company, or of the Reimbursement of any Loss, Damages, Costs, or Charges contracted or incurred after the Time at which he ceased to be a Shareholder: The Transferee when registered shall sign the Memorandum of Association and Articles of Association.

Liability of Transferor.

LXXXII. Every Transfer shall be by an Instrument in Writing duly stamped according to the Form (G.) in the Schedule to this Act annexed, in which the full Amount of the pecuniary Consideration for such Share shall be truly expressed: Such Instrument shall be signed in the Presence of One Witness in Scotland, as well as in England and Ireland, by the Transferor and Transferee, and the Transferor shall be deemed to remain the Holder of such Share until the Name of the Transferee is entered in the Register in respect thereof and the Return to the Registrar of Joint Stock Companies: The Directors of the Company shall cause a Memorial of such Instrument of Transfer, when produced at the registered Office of the Company, to be entered in the Book of Transfers, and the Entry thereof to be recorded on the Instrument of Transfer, and for every such Entry the Company may demand a Sum not exceeding *Five Shillings*: Until such Instrument of Transfer shall have been so produced at the registered Office of the Company the Transferee of the Share shall not be entitled to receive any of the Profits of the Company or to vote in respect of such Share: Provided always, that if at the Time of such Transfer the Transferor shall not have paid the full Amount of Calls due and payable to the Company on every Share held by him, then he shall not be entitled to transfer any Share.

Form of Transfer.

Memorial to be entered in Transfer Books.

Shareholders must pay Calls.

LXXXIII. If any Shareholder fail to pay any Call due upon or in respect of any Share held by him when the same shall become

Recovery of Calls.

due the Directors are hereby authorized to sue such Shareholder for the Amount in an Action in any Court having competent Jurisdiction in respect of the same; and the Declaration in such Action shall only state "that at the Commencement of the Suit the Defendant was the "Holder of certain Shares [*stating how many*] in a certain Company "[*naming it*], and was indebted to the Company in a certain Sum "[*stating it*] for certain Calls then due and payable in respect of "the said Shares, and that the Defendant hath not paid the same;" and upon the Trial of any such Action it shall be sufficient to prove that the Calls were duly made upon such Shares, or any of them, that the Defendant was the Holder of such Shares, or any of them, when such Calls, or any of them, and for which the Action is brought, became due, whereupon the Company shall be entitled to the Payment of such Calls or so much thereof as is due, together with Interest at the Rate of *Five Pounds* per Centum per Annum, to be computed from the Day on which such Calls became due.

Forfeited Shares.

LXXXIV. The Directors may sell all forfeited Shares, or Shares purchased by them under the Provisions herein-after contained as to Shares so purchased, with or without Dividends or Profits, in the Interval between the Purchase and the Sale thereof.

Proprietary Company may become mutual.

LXXXV. Any Proprietary Company may take Steps for the Purpose of becoming a Mutual Company, and in that Case the Provisions in this Act contained relative to Mutual Companies shall thenceforth apply to such Company: Provided, that for the Purpose of carrying out such Object, or with any other View for the Benefit of the Company, it shall be lawful for the Directors, with the Authority of the Shareholders given at a Meeting specially convened for that Purpose, to purchase Shares for the Benefit of such Company from any Proprietor desirous of selling at such Price as they shall deem fair; and upon the Transfer of such Shares the Directors shall make an Entry in the Register of Shareholders that they have been purchased on behalf of the Company, and shall give the Proprietor so transferring a Certificate of such Entry, provided that such Proprietor shall continue liable for a Period of *Three* Years from the Day of such Sale to contribute to the Debts and Engagements of the Company, and to the Reimbursement of any Loss, Damages, Costs, and Charges sustained by the Company notwithstanding such Transfer, with this Exception, that such Proprietor shall not be so liable to contribute in respect of any Debts or Engagements, or the Reimbursement of any Loss, Damages, Costs, or Charges contracted or incurred after he ceased to be such Proprietor: Provided also, that if any Company shall wilfully neglect to make such Entry as aforesaid at the Time specified,

Directors may purchase Shares for Benefit of Company.

Penalty for not making Entry on Register.

specified, such Company shall incur a Penalty of *Five Pounds* per Day for each Day during which such Neglect shall be suffered.

Re-issue of Shares.

LXXXVI. The Directors may re-issue Shares forfeited pursuant to the Articles of Association, or those purchased as in the preceding Clause mentioned, to new Subscribers, or allot them amongst the then Shareholders at such Price as the Directors shall please, or may apply them in augmentation of a reserved Fund, and the Directors shall deal with the Dividends accumulated thereon for the Benefit of the Company as they shall deem fit.

Entry on Register shall be binding on last Proprietor.

LXXXVII. The Entry in Register of Members or in Register of Transfers shall be binding on the last Proprietor, but without Prejudice to any Right of Action against the Company improperly making such Entry, provided that no such Action shall be brought after the Expiration of *Two* Years from the Date of such Entry.

Directors need not inquire whether Shares vested in new Proprietor.

LXXXVIII. The Directors need not inquire previously to such Entry in Register of Members or of Transfers whether the Share Certificates are in the Possession of such new Proprietor, the Production of the Instrument of Transfer shall be sufficient Evidence of the Right to be entered on the Register.

Member of the Company may be sued for Debt due to Company.

LXXXIX. Any Proprietor who is indebted to the Company shall pay such Debt in the same Manner as if he were an ordinary Debtor without being a Partner; and in case of Default in Payment, or in case the Company shall have any equitable Claim upon any Proprietor, the Directors may sue for the Amount of such Debt, or for the Enforcement of such Claim, either at Law or in Equity, as the Case may require, in the same Manner as if such Debt was due from One who was not a Partner; and such Proprietor shall not be at liberty to plead his Partnership, nor avail himself of any Set-off or Demand against the Company in respect of any Claim as Partner, nor plead in Bar or Abatement, or otherwise take any Objection in or to such Suit by reason that other Proprietors are not made Parties.

Company may be sued for Debt due to a Member.

XC. The Directors shall, upon the Application of any Proprietor to whom the Company is indebted, cause the Debt to be paid as if such Proprietor were an ordinary Creditor of the Company, and the Company shall not be at liberty to plead Partnership in any Action or Suit for Recovery of such Debt: Provided that nothing herein contained shall prevent any Proprietor or Company from disputing the Validity of any Debt or Demand on the Merits, nor prejudice any Claim of a Proprietor as a Partner.

Register of Transfers.

Register of Transfers.

XCI. Every Proprietary Insurance Company shall cause to be kept in One or more Books a Register of Transfers, and there shall be entered therein the following Particulars:

The Date of Transfer;
The Number of Transfer;
The Share Ledger Folio;
The Name, Trade, or Occupation and Residence of Transferor;
The Name, Trade, or Occupation and Residence of Transferee;
Number of Shares transferred;
Distinctive Number of the Shares transferred.

PART IV.

Management and Administration of Companies.

Registered Public Officer and Office.

XCII. Every Insurance Company shall have a registered Public Office and a registered Public Officer, to whom and to which all Communications and Notices may be addressed: If any Company registered under this Act carries on Business for a Period of *One Month* without having such an Officer or such an Office it shall incur a Penalty not exceeding *Five Pounds* for every Day during which its Business is so carried on.

Notice of Name of Officer; Situation of Office.

XCIII. Notice of the Name of such Officer, and of the Situation of such Office, and of any Change therein, shall be given to the Registrar of Joint Stock Companies and recorded by him; until such Notice is given the Company shall not be deemed to have complied with the Provisions of this Act with respect to having a registered Public Officer or a registered Public Office; and the Name of every Insurance Company shall be painted or placed in large Characters on the Outside of such Public Office under a Penalty of *Five Pounds* per Day for every Day during which it carries on Business without having its Name so written or placed: Provided, that nothing herein contained shall cause any Company existing before the passing of this Act to change the Style of Office of its Manager or Secretary, who, although he may still be styled as before the passing of this Act, yet for the Purposes of this Act shall be deemed to be such Public Officer as aforesaid.

General Meeting once a Year.

XCIV. A General Meeting of every Insurance Company shall be held at least once in every Year, to be convened by Advertisements in at least *Three* Morning Papers circulating in the District where

where such Public Office is situate, and by Circular, addressed to each Shareholder or Member or Stockholder, at his registered Place of Abode, as herein-after provided with reference to Notices to Shareholders and Members.

Power of Company to alter Regulations.

XCV. Any Insurance Company may, in General Meeting, from Time to Time, by such Special Resolution as herein-after mentioned, repeal or alter and make new Provisions in addition to or in lieu of any of the Rules or Regulations of the Company contained in the Memorandum of Association and Articles of Association, subject to the following Provisions:—

1. That such new Provisions shall not be in contravention of or inconsistent with any of the Provisions in this Act contained:

2. No Company subsisting at the Time of the passing of this Act shall, after Registration, have Power by Special Resolution to alter any Provision contained in any Act of Parliament relating to the Company without the Sanction of the Board of Trade:

3. That no such Company as last aforesaid shall have Power, without the Sanction of the Board of Trade, by Special Resolution to alter any Provisions contained in any Letters Patent relating to the Company:

4. That nothing herein contained shall authorize any such Company as last aforesaid, by Special Resolution, to alter any such Provisions contained in any Act of Parliament, Royal Charter, Letters Patent, Deed of Settlement, or other Instrument constituting or regulating the Company as would, if such Company had originally been incorporated under this Act, have been contained in the Memorandum of Association, and which are not hereby authorized to be altered:

5. But nothing herein contained shall derogate from any Power of altering its Constitution or Regulations which may be vested in any Company existing at the Time of the passing of this Act by virtue of any Act of Parliament, Letters Patent, Royal Charter, Deed of Settlement, or other Instrument constituting or regulating the Company.

Definition of a Special Resolution.

XCVI. Any Resolution of a Proprietary Insurance Company which shall have been carried by *Two Fifths* in Number and Value of such Shareholders of the Company for the Time being entitled to vote as shall have been present, in Person or by Proxy (in Cases where, by the Regulations of the Company, Proxies are admitted) at any Meeting of which Notice specifying the Intention to propose such Resolution has been duly given as herein-after provided, if such Resolution

so carried as aforesaid shall have been confirmed by a Majority of such Shareholders for the Time being entitled to vote as shall have been present, in Person or by Proxy, where Proxies are admitted, at a subsequent Meeting, of which Notice has been duly given as herein-after provided, and held at an Interval of not less than *One Month* nor more than *Three Months* from the Date of the Meeting at which such Resolution was first carried, shall be deemed to be a Special Resolution of a Proprietary Company, whether such Resolution embrace but One or several Matters; unless a Poll is demanded by at least *Five* Shareholders, holding a *Fifth* of the Capital, a Declaration of the Chairman of any such Meeting as is mentioned in this Section that a Special Resolution has been carried or confirmed shall be deemed conclusive Evidence of the Fact without Proof of the Number or Proportion of the Votes recorded in favour of or against the same: Notice of any Meeting shall, for the Purposes of this Section, be deemed to be duly given, and the Meeting to be duly held, whenever such Notice is given and the Meeting held in such Manner as is in this Act or the Articles of Association of the Company prescribed.

Definition of Special Resolution of Mutual Company.

XCVII. Any Resolution of a Mutual Company which shall have been carried by *Two Fifths* in Number of such Members of the Company for the Time being entitled to vote as shall have been present, in Person or by Proxy (in Cases where, by the Regulations of the Company, Proxies are allowed) at any Meeting of which Notice specifying the Intention to propose such Resolution has been duly given, if such Resolution has been confirmed by a Majority of such Members for the Time being entitled to vote as shall have been present, in Person or by Proxy, where Proxies are admitted, at a subsequent Meeting of which Notice has been duly given, and held at an Interval of not less than *One Month* nor more than *Three Months* from the Date of the Meeting at which such Special Resolution was first carried, shall be deemed to be a Special Resolution of a Mutual Company, whether such Resolution embrace but One or several Matters; unless a Poll is demanded by at least *Five* Members, a Declaration of the Chairman of every such Meeting as is mentioned in this Section that a Special Resolution has been carried or confirmed shall be deemed conclusive Evidence of the Fact without Proof of the Number of the Votes recorded in favour of or against the same: Notice of any Meeting shall, for the Purposes of this Section, be deemed to be duly given, and the Meeting to be duly held, whenever such Notice is given and Meeting held in such Manner as is in this Act or the Articles of Association of the Company prescribed.

XCVIII. A Copy

XCVIII. A Copy of such Special Resolution shall be forwarded by the Public Officer to the Registrar of Joint Stock Companies within *Fifteen* Days of the Date of the Confirmation thereof, and recorded by him; if not so forwarded the Company shall incur a Penalty of *Five Pounds* per Day for every Day after the Expiration of such *Fifteen* Days during which such Copy is omitted to be forwarded as aforesaid. Special Resolutions to be registered. Penalty.

XCIX. A Copy of any Special Resolution shall be given to any Shareholder or Member applying for the same on Payment of *Five Shillings*. Copies to Members.

C. If any Insurance Company carries on Business when the Number of its Shareholders or Members is less than *Seven* for a Period of *Six* Months after the Number has been reduced, then every Person who is a Member in such Company during the Time that it so carries on Business after such Period of *Six* Months shall be severally liable for the Payment of the whole of the Debts of the Company contracted during such Time, and may be sued for the same without the Joinder in the Action or Suit of any other Shareholder or Member. Prohibition against carrying on Business with less than Seven Members.

CI. If any Difference, Question, or Dispute shall arise between the Company and any of the Shareholders or Members or Stockholders of the Company for the Time being, or late Shareholders, Members, or Stockholders, or their Representatives, touching any Matter or Thing respecting the Company, or the Funds or Property, Affairs or Business of the Company, or otherwise howsoever, or arising out of any Matter or Thing connected with the Affairs of the Company, or out of this Act, or the Memorandum of Association or Articles of Association, or between the Company and the Board of Directors, such Difference, Question, or Dispute shall be reduced into Writing, and referred, within the Space of *Twenty-one* Days after he shall have been chosen, to the Arbitrement of a Barrister-at-Law, to be chosen by the Parties to such Difference, Question, or Dispute, or by a Judge of One of the Superior Courts of Law; and the Award and Determination of such Arbitrator concerning the Matters to be referred to him shall be binding and conclusive on the Parties and their Successors or Representatives, and shall be performed and kept by them accordingly: Provided that such Award shall be made in Writing under the Hand and Seal of such Arbitrator within *Three* Calendar Months from the Day on which such Arbitrator was appointed, and the Submission shall be made a Rule of Court. Reference to Arbitration.

Directors cannot lend Company's Money to each other.

CII. It shall not be lawful for the Directors to lend to any One of their Number, or to any Officer of the Company, any Money belonging to the Company without the Authority and Sanction of a General Meeting of the Shareholders or Members duly convened.

Directors must be Shareholders or Policy-holders.

Penalty for acting.

CIII. In all Proprietary Companies established after the *passing of this Act* each Director shall be a Shareholder of at least One Share in his own Right, and in all Mutual Companies each Director shall hold a Policy on his own Life or on the Life of another; and if any Director shall act without being such Shareholder or Policy-holder, or after he shall have ceased to be such Shareholder or Policy-holder, or after he shall have been otherwise disqualified from holding such Office as aforesaid, he shall incur a Penalty of *Five Pounds* for every Day he sits at the Board, or for every Time he knowingly permits his Name to be advertised in any Advertisement, or any fresh Issue of Prospectuses, or other Documents, without being such Shareholder or Policy-holder, or after so ceasing to be such Shareholder or Policy-holder, or after such Disqualification as aforesaid.

Penalty for misrepresenting.

CIV. If the Name of any Person who is not such Shareholder or Policy-holder be represented as a Director, then each Director of the Company knowingly concurring in such Representation shall incur a Penalty of *Twenty Pounds* for each Time he so concurs in such Representation.

Minutes of Proceedings to be Evidence.

CV. The Minutes of the Proceedings of any Meeting of Shareholders or Policy-holders, as the Case may be, or of the Directors, signed by any Person purporting to be the Chairman presiding at such Meeting, shall be admissible in all Courts of Law or of Equity, not only as primâ facie Evidence of the Proceedings of the Meeting of which the Entry shall be so made, but of such Meetings having been duly convened, and of the Persons attending such Meetings being Shareholders or Policy-holders or Directors, and of the Signature of the Chairman.

Legal Instruments of Company.

Contracts how made.

CVI. Contracts on behalf of every Insurance Company shall be made in the following Manner; (that is to say,)

1. Any Contract which if made between private Parties would be by Law required to be in Writing, and if made according to English Law to be under Seal, shall be made on behalf of the Company in Writing, under the Common Seal of the Company, signed by *Three* Directors and countersigned by the Public Officer or his Deputy, to be appointed by the Board in the Absence

Absence of the Public Officer, and such Contract may be in the same Manner varied or discharged.

2. Any Contract which if made between private Persons would be by Law required to be in Writing, and signed by the Parties to be charged therewith, shall be made on behalf of the Company in Writing, and be signed by *Three* Directors and countersigned by the Public Officer or such Deputy as aforesaid, and such Contracts may be in the same Manner varied or discharged.

3. Any Contract which if made between private Persons would by Law be valid, although made verbally, may be so made on behalf of the Company by the Public Officer thereof, or such Deputy as aforesaid, and such Contract may in the same Way be varied or discharged, provided that no such verbal Contract shall be to a greater Amount or Value than *Ten Pounds;* and all Contracts made in the Manner and according to the Provisions herein contained, but not otherwise, shall be effectual in Law, and shall be binding upon the Company, and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be.

CVII. Separate Books shall be kept for the Entry of all such Contracts as aforesaid.

Execution of Deeds abroad.

CVIII. Any Insurance Company may, by Instrument or Writing under its Common Seal signed by *Three* Directors and countersigned by the Public Officer or such Deputy as aforesaid, empower any Person, either generally or in respect of any specified Matters, as their Attorney, to execute Deeds on their Behalf in any Place not situate in the United Kingdom, and every Deed signed by such Attorney on behalf of the Company, and under his Seal, shall be binding on the Company to the same Extent as if it were under the Common Seal of the Company.

Mortgages according to English Law.

CIX. In any Mortgage made according to English Law by an Insurance Company there shall be implied the following Covenants (unless Words expressly negativing such Implication are contained therein), that is to say: A Covenant on the Part of the Company to pay the Money thereby secured, and Interest thereon, at the Time and Rate therein mentioned; a Covenant to have Power to convey or assure the Property declared to be conveyed or assured to the Mortgagee free from Incumbrances; and a Covenant for further Asssurance of such Property, at the Expense of the Company, to the Mortgagee, or any Person claiming through, under, or in trust for him; and if a Power of Sale is thereby given, such Power shall imply an Authority to sell, by Public Auction or Private Contract,

altogether or in Parcels, and to make, rescind, or vary Contracts for Sale or Resale, without being liable for Loss, and also an Authority to give effectual Receipts for Purchase Monies, and such Mortgage may be in the Form marked (E.) in the Schedule hereto, or as near thereto as Circumstances admit.

Bond and Disposition in Security according to Scotch Law.

CX. In any Bond and Disposition in Security made according to Scotch Law by any such Company there shall be implied the following Obligations and Undertakings (unless Words expressly negativing such Implication are contained therein), that is to say: An Obligation on the Part of the Company to pay the Money thereby secured, and Interest thereon, at the Time and Rate therein mentioned; an Undertaking that they have Power to convey the Property declared to be conveyed to the Heritable Creditor free from Incumbrances; and an Obligation to make and execute, at the Expense of the Company, in favour of the Heritable Creditor, or any Person claiming through, under, or in trust for him, any further Deed necessary to give Effect and Validity to the Security; and if a Power of Sale is thereby given, such Power shall imply an Authority to sell by Public Auction or Private Contract, together or in Parcels, and to make, rescind, or vary Contracts of Sale or Resale without being liable for Loss, and also an Authority to give effectual Receipts for Purchase Monies, and such Bond and Disposition in Security may be in the Form marked (F.) in the Schedule hereto, or as near thereto as Circumstances admit, and shall be registered in the general or particular or Burgh Register of Sasine, as the Case may be, and being so registered shall be equivalent to a Bond and Disposition in Security in ordinary Form containing Power of Sale with Sasine thereon duly recorded in the Register of Sasines.

Conveyance according to English Law.

CXI. In any Conveyance or Assurance made accordiag to English Law by any such Company there shall be implied (unless Words expressly negativing such Implication are contained therein) the following Covenants on the Part of the Company; that is to say, a Covenant that notwithstanding any Act or Default done or committed by the Company, they were at the Time of the Execution of such Conveyance or Assurance seised or possessed of the Lands or Premises thereby conveyed or assured for an indefeasible Estate of Inheritance in Fee Simple, free from Incumbrances occasioned by them, or otherwise for such Estate or Interest as therein expressed to be assured, free from Incumbrances occasioned by them; a Covenant that the Person to whom such Lands or Premises are conveyed or assured, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Company and their Successors, and all other Persons claiming under them,

them, and be indemnified and saved harmless by the Company and their Successors from all Incumbrances occasioned by the Company; a Covenant for further Assurance of such Lands or Premises, at the Expense of the Person to whom the same are conveyed or assured, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Company or their Successors, and all other Persons claiming under them.

Disposition in security according to Scotch Law.

CXII. In any Disposition of Heritable Property granted according to Scotch Law by any Insurance Company there shall be implied (unless Words expressly excluding such Implication are contained therein) an Obligation of absolute Warrandice, and an Obligation to complete the Company's Title at its own Expense, so far as necessary to validate or give full effect to such Disposition, and an Obligation to grant, also at its own Expense, any further Deeds which may be necessary to render such Disposition effectual.

Penalties : how to be sued for.

CXIII. All Penalties and Forfeitures inflicted or authorized to be imposed by this Act may be recovered by any Party suing for the same in an Action of Debt in any of the Superior Courts of Law in Great Britain or Ireland; and it shall be sufficient to allege in the Declaration in such Action that the Company incurred certain Penalties in certain Amounts [*stating them*] for having, et cetera [*state the Offence in the Words of the Act*], contrary to the Statute in that Case made and provided.

Evidence of.

CXIV. And it shall be sufficient to prove that the Penalties were incurred, and in what respect, and the Amount of them, whereupon the Plaintiff shall be entitled to a Verdict and Judgment for the full Penalties imposed in that Behalf.

General Issue in all Suits.

CXV. In all Suits in which a Company is a Party the Defendants may plead the General Issue, and shall thereupon give in Evidence any Facts, Causes, and Circumstances which they shall have certified in Writing to the Plaintiffs or their Attorney, *Seven* Days at least before the Day of the Trial thereof, unless the Matter of Defence is of such a Nature as that it would be inconsistent with the Plea or would not tend to maintain the Issue.

Judgments against a Company.

CXVI. Every Judgment and every Decree or Order which shall be at any Time after *the passing of this Act* obtained against any Insurance Company, except Companies incorporated by Act of Parliament or Royal Charters or Companies, the Liability of the Members of which is restricted by any Letters Patent in any Action, Suit, or other Proceedings prosecuted by or against such Company

in any Court of Law or Equity, shall and may take effect and be enforced, and Execution thereon be issued, not only against the Property and Effects of such Company, but also, if due Diligence shall have been used to obtain Satisfaction of such Judgment, Decree, or Order, by Execution against the Property and Effects of such Company, then against the Personal Property and Effects of any Shareholder for the Time being, or any former Shareholder of such Company, in his natural or individual Capacity, until such Judgment, Decree, or Order shall be fully satisfied; provided, in the Case of Execution against any former Shareholder, that such former Shareholder was a Shareholder of such Company at the Time when that Contract or Engagement for which such Judgment, Decree, or Order may have been obtained was entered into, or became a Shareholder during the Time such Contract or Engagement was unexecuted or unsatisfied, or was a Shareholder at the Time of the Judgment, Decree, or Order being obtained: Provided also, that in no Case shall Execution be issued on such Judgment, Decree, or Order against the Person, Property, or Effects of any such former Shareholder of such Company after the Expiration of *Three* Years next after the Person sought to be charged shall have ceased to be a Shareholder of such Company.

Not liable after he shall have ceased for Three Years to become a Shareholder.

May recover Compensation.

CXVII. Every Person against whom or against whose Property or Effects Execution upon any Judgment, Decree, or Order obtained as aforesaid shall have been issued as aforesaid shall be entitled to recover against such Company all Loss, Damages, Costs, and Charges which such Person may have incurred by reason of such Execution, and after due Diligence used to obtain Satisfaction thereof against the Property and Effects of such Company such Person shall be entitled to Contribution for so much of the Loss, Damages, Charges, and Costs as shall remain unsatisfied from the several Persons against whom Execution upon such Judgment, Decree, or Order obtained against such Company might also have been issued under the Provision in that Behalf aforesaid, and that such Contribution may be recovered from such Persons as aforesaid in like Manner as Contribution in ordinary Cases of Copartnership.

Execution against Shareholders.

CXVIII. In the Cases provided by this Act for Execution on any Judgment, Decree, or Order in any Action or Suit against the Company, to be issued against the Person or against the Property or Effects of any Shareholder or former Shareholder of such Company, or against the Property or Effects of the Company, at the Suit of any Shareholder or former Shareholder in satisfaction of any Monies, Damages, Costs, and Expenses paid or incurred by him as aforesaid in any Action or Suit against the Company, such Execution may be

be issued by Leave of the Court or of a Judge of the Court in which such Judgment, Decree, or Order shall have been obtained upon Motion or Summons for a Rule to show Cause, or other Motion or Summons consistent with the Practice of the Court, without any Suggestion or Scire facias in that Behalf, and that it shall be lawful for such Court to make absolute or discharge such Rule, or allow or dismiss such Motion, (as the Case may be,) and to direct the Costs of the Application to be paid by either Party, or to make such other Order therein as to such Court or Judge shall seem meet; and in such Case such Form of Writs of Execution shall be sued out of the Courts of Law and Equity respectively for giving Effect to the Provision in that Behalf aforesaid as the Judges of such Courts respectively shall from Time to Time think fit to order, and the Execution of such Writs shall be enforced in like Manner as Writs of Execution are now enforced: Provided, that any Order made by a Judge as aforesaid may be discharged or varied by the Court on Application made thereto by either Party dissatisfied with such Order; provided also, that no such Motion shall be made nor Summons granted for the Purpose of charging any Shareholder or former Shareholder until *Ten* Days Notice thereof shall have been given to the Person sought to be charged thereby.

Registrar to make Report to Board of Trade.

CXIX. The Registrar of Joint Stock Companies is hereby required to make a Report in duplicate annually to the Board of Trade, containing,—

A List of Companies registered under this Act:

A Return of the Regulations made by the Board of Trade with regard to the Returns required to be made by Companies:

A Return of the Amount of all Fees paid for Certificates of Registration, and for every other Purpose:

A Return of the Scale of all Fees paid for Certificates of Registration, and for every other Purpose:

A Return of the Scale of Fees appointed by the Commissioners of Her Majesty's Treasury for the Services to be performed by the Registrar, and of the respective Amounts of such Fees:

A Return of the Number of Bankruptcies of Insurance Companies, and of the Amount of the Debts and Assets of such Companies respectively:

A Return of the Modifications made by the Board of Trade, in pursuance of this Act, in the Conditions and Regulations to be observed by Companies, whether existing or future:

A Return of the Name of any Company amalgamating under the Clause to that Effect in this Act contained, and the Names of the purchasing Companies:

And that within *Six* Weeks after the meeting of Parliament next after the *First* Day of *January* in every Year a Copy of such Report shall be returned by the Board of Trade to both Houses of Parliament.

EXAMINATION OF THE AFFAIRS OF COMPANY.

Inspectors may be appointed to examine into the Affairs of the Company by the Board.

CXX. Upon the Application in Writing of *Two Thirds* in Number and Value of the Shareholders of any Proprietary Insurance Company, or *Two Thirds* in Number of the Members of any Mutual Company, or *Two Thirds* in Number and Value of the Stockholders of any Company, to the Board of Directors to that Effect, the said Board shall nominate and the Applicants shall approve One or more competent Inspectors, of whom One shall be a professional and duly-qualified Actuary, to examine into the Affairs of the Company and to report thereon in such Manner and to such Persons as the said Board and such Applicants shall agree upon in Writing, or if either shall neglect or decline, then in such Manner or to such Person as the others shall appoint in Writing.

By Special General Meeting.

CXXI. If the Board of Directors shall wilfully neglect or decline to appoint such Inspectors within *One Month* from such Application, as in the preceding Clause, then the said Applicants may convene an Extraordinary Meeting for the Purpose, and may proceed to appoint One or more Inspectors thereat, of whom One shall be a professional or duly-qualified Actuary, as herein-before provided relating to Inspectors appointed by the Board of Directors, to examine into the Affairs of the Company and to report thereon in such Manner and to such Persons as such General Meeting shall agree upon in Writing; or the Company may, in General Meeting, appoint One or more Inspectors, of whom One shall be a professional or duly-qualified Actuary, as herein-before provided, for the Purpose of examining into the Affairs of the Company, if at such General Meeting it appears to *One Fifth* in Number and Value and *One Fifth* in Number respectively of the Members attending such Meeting to be expedient to examine into the Affairs of the Company, and to report thereon in such Manner and to such Persons as such General Meeting shall agree upon in Writing.

By General Meeting.

By Board of Trade.

CXXII. If in any of the Cases aforesaid the Object should fail or any unreasonable Difficulties should by the Directors be imposed to frustrate the Object in view, then, upon the Application of *One Fifth* in Number and Value or *One Fifth* in Number respectively of the Members attending any Special General Meeting convened for the Purpose, the Board of Trade may appoint One or more competent Inspectors,

Inspectors, of whom One shall be a professional and duly-qualified Actuary, to examine into the Affairs of the Company and to report thereon to the said Board in such Manner as the said Board of Trade shall direct.

Powers and Duties of Inspectors.

CXXIII. Any Inspector appointed otherwise than by the Board of Trade shall have the same Powers and shall perform the same Duties as Inspectors appointed by the Board of Trade, with this Exception, that instead of making their Report to the Board of Trade they shall make the same in such Manner and to such Persons as herein-before directed.

Inspectors may summon Directors, and examine on Oath.

CXXIV. Any Inspector so appointed as aforesaid shall have Power to summons, by Writing under his Hand, any Director, Officer, Agent, or Servant of the Company and examine him upon Oath, and may administer such Oath accordingly touching the Business of the Company, and may cause all Books, Documents, and Papers of the Company in his Power, Custody, or Control to be produced before him for Examination, and any Party guilty of false swearing shall be liable to all the Penalties of Perjury, and may be prosecuted accordingly.

Penalty for refusing or declining to answer or produce Documents.

CXXV. If any Director, Officer, Agent, or Servant shall wilfully refuse or decline to answer any Questions, or to give Information to any such Inspector as aforesaid touching the Affairs of the Company, or refuse or decline to produce any Book, Document, or Paper of the Company in his Power, Custody, or Control, he shall incur a Penalty of *Five Pounds* every Time he so refuses or declines as aforesaid.

Inspectors to report.

To whom Copies to be forwarded.

CXXVI. Upon the Conclusion of the Examination aforesaid the Inspector shall report his Opinion as herein-before directed: The Report shall be written or printed: If it be made to the Board of Trade a Copy shall be forwarded to the said Board of Trade by the Inspector, and another to the registered Office of the Company, and a further Copy shall, at the Request of the Members upon whose Application the Inspection was made, be delivered to them or One or more of them: If the Report be made to any other Party the Inspector shall likewise forward a Copy to such Party and also to the registered Office of the Company.

Expenses of Inspection.

CXXVII. All Expenses of and incidental to any such Examination as aforesaid shall be defrayed by the Members upon whose Application the Inspectors were appointed.

Report of Inspectors to be Evidence.

CXXVIII. The Directors of the Company into whose Affairs the Examination shall have been made shall forthwith, upon the Receipt of the Copy of the Report of any Inspector appointed under this Act so ordered to be forwarded to the registered Office of the Company as aforesaid, cause the Common Seal of the Company to be affixed to such Copy of the Report so forwarded as aforesaid, countersigned by the Public Officer of the Company; and the Copy so sealed with the Seal of the Company shall be receivable as Evidence in any Proceedings at Law or in Equity, and the Public Officer of the Company shall produce the same in Court when thereunto in that Behalf required, and shall forward another Copy signed by *Three* Directors, and countersigned by the Public Officer, and sealed with the Seal of the Company to the Registrar of Joint Stock Companies, who shall thereupon register the same.

Notices.

Service of Summons, Notices, &c.

CXXIX. All Summonses or Notices required to be served upon any Insurance Company may, except where otherwise directed, be served by leaving the same at the registered Office of the Company, or by sending them through the Post addressed to the Company by its registered Name at such registered Office, or by giving them to the Public Officer of the Company; and all Summonses and Notices required to be served by any Insurance Company on any other Company or other Party may be served in like Manner, except in the Case of a private Party or Member of the Company, in which Case it shall be addressed to the registered Place of Abode of such Member or to his private Residence, as the Case may be.

Notices by Letter.

CXXX. Where a Notice is to be served by Letter, such Letter shall be posted in such Time as to admit of the Letter being delivered in due course of Delivery within the Period prescribed for the giving of such Notice, and in proving such Notice it shall be sufficient to prove that such Notice was properly directed, and that it was posted at such Time as aforesaid.

Signature of Summons, &c.

CXXXI. Any Summons, Notice, Writ, or other legal Proceeding requiring the Signature of the Company may be signed by the Public Officer on behalf of the Company, and need not be under the Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Notice to joint Shareholders,

CXXXII. If any Share be held jointly by several Persons, any Notice required to be given shall be given to the Person whose Name shall stand first on the Register of Shareholders, and such Notice shall be sufficient Notice to all the Proprietors of such Shares.

CXXXIII. Where,

by Advertisement.

CXXXIII. Where, by this Act or the Articles of Association of the Company, Notice is required to be given by Advertisement, such Requisition shall be deemed to be complied with if such Notice be inserted in *Three* Morning Papers circulating in the District where the Public Office of the Company is situate, and by Circular Letter, to be forwarded by Post addressed to the registered Place of Abode of each Shareholder, at such Times as may be by this Act directed, stating the Objects of Notice.

Increase of Capital.

Proprietary Company may by Resolution increase Capital.

CXXXIV. It shall be lawful for a Proprietary Company, with the Sanction of the Shareholders previously given in General Meeting by Special Resolution, to increase its Capital.

Resolutions to be returned to Registrar and recorded.

CXXXV. The Copy of such Resolution shall, within *Fifteen* Days of its being confirmed, as herein provided with regard to Special Resolutions, be returned to the Registrar, who shall record the same; if any Company shall wilfully neglect to make such Return at the Time specified such Company shall incur a Penalty of *Fifty Pounds*.

Resolution to state the Amount of Capital.

CXXXVI. Such Resolution shall state the Amount of Capital so resolved to be increased.

How Capital is to be raised.

CXXXVII. Such Capital shall be raised by the Creation of new Shares of the same Value of the original Shares, and shall be numbered in progressive Succession, commencing from the last Number of the old Shares, and shall be considered as Part of the original Capital.

New Shares to be offered to Shareholders.

CXXXVIII. After the Registration of such Resolution, but not before, the Directors shall, by Circular Letters addressed to the registered Place of Abode of the Shareholders of the Company, offer them the Option of taking the new Shares at Par or at a Premium, as the Directors shall agree upon; if for *One Month* they decline to take such Shares the Directors shall proceed to allot them to other Parties willing to take them either at a Premium or at Par.

New Shareholders to sign Memorandum of Association.

CXXXIX. Such new Shareholders shall sign the Memorandum of Association and Articles of Association of the Company and shall be entered on the Register.

Holders of new Shares to be subject

CXL. The Holders of such new Shares shall, on Allotment thereof, be subject to all the Provisions in this Act and in the Memo-

to Provisions of this Act.

Memorandum of Association and Articles of Association of the Company, in all respects as if they were original Shareholders in the Company.

PART V.

Winding up of Insurance Companies.

Preliminary.

Provisions to extend to all Companies.

CXLI. The Provisions of this Act relating to the Winding-up of Companies shall apply to all Insurance Companies.

Definition of "the Court."

CXLII. The Expression "the Court," as used in this Act, shall mean in England the High Court of Chancery in England, in Scotland the Court of Session in either Division thereof, and in Ireland the Court of Chancery of Ireland.

Liabilities of Members of Company to general Creditors.

CXLIII. In the event of an Insurance Company being wound up by the Court or voluntarily, as herein-after provided, every Person who at the Time of the Commencement of such Winding-up is a Member of such Company, or who has within *Three* Years prior to the Commencement of such Winding-up been a Member of such Company, shall be liable to contribute to the Assets of the Company to an Amount sufficient for Payment of the Debts of the Company contracted with Persons not being Members of the Company, or with Members of the Company in respect of Matters in which they were not acting as Members, and the Costs, Charges, and Expenses of the Winding-up, so far as the same have been incurred in or about the Payment of such Debts, with this Exception, that no Person shall be liable to contribute in respect of any Debt of the Company contracted after the Time at which he ceased to be a Member.

Liabilities of Members of the Company between themselves.

CXLIV. The Rights and Liabilities of the Members between themselves shall be determined by the Articles of Association of the Company or by this Act when Provision is made for the same, if not, then by the Court.

Provision for special Contracts.

CXLV. Nothing herein contained shall invalidate any Provision contained in any Policy or other Contract whereby the Liability of the Members of the Company is restricted or whereby the Funds of the Company are alone made liable for the Debts thereof.

Commencement of Winding-up

CXLVI. The Winding-up shall, if the Company is wound up by the Court, be deemed to commence at the Time of the Presentation of

of such Petition as is herein-after required to be presented to the Court, and, if the Company is wound up voluntarily, be deemed to commence at the Time of the passing of the Resolution authorizing such Winding-up. of Company defined.

CXLVII. Any Member upon whom Calls are authorized to be made in the event of the Winding-up of a Company, either by the Court or voluntarily, is herein-after called a Contributory, and the Representatives of any deceased Contributory shall be liable, in the course of Administration, to the same Extent as such Contributory would be liable under this Act if alive. Definition of contributory and legal Character of his Liability.

WINDING UP BY THE COURT.

CXLVIII. A Company may be wound up by the Court under the following Circumstances; (that is to say,) Circumstances under which Company may be wound up by Court.

1. Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound up by the Court:
2. Whenever the Company does not commence its Business within *a Year* from the Incorporation or suspends its Business for the Space of a whole *Year*:
3. Whenever the Members are reduced to less than *Seven*, pursuant to the Provision herein-before in that Behalf contained:
4. Whenever the Company is unable to pay its Debts.

A Company shall be deemed unable to pay its Debts,— Company when deemed unable to pay its Debts.

1. Whenever a Creditor to whom the Company is indebted in a Sum exceeding *Fifty Pounds* then due has served on the Company, by leaving the same at its registered Office, a Demand under his Hand requiring the Company to pay the Sum so due, and the Company has, for the Space of *Three* Weeks succeeding the Service of such Demand, neglected to pay such Sum, or to secure or to compound for the same to the Satisfaction of the Creditor:
2. Whenever, in England and Ireland, Execution issued on a Judgment, Decree, or Order obtained in any Court in favour of any Creditor in any Suit or other legal Proceeding instituted by such Creditor against the Company is returned unsatisfied in whole or in part by the Sheriff of the County in which the registered Office of the Company is situate:
3. Whenever, in Scotland, the Induciæ of a Charge for Payment on an Extract, Decree, or an Extract-registered Bond, or an Extract-registered Protest, have expired without Payment being made.

Application for winding up to be by Petition.

CXLIX. Any Application for the winding up of a Company shall be by Petition, and there shall be filed or lodged at the Time when such Petition is presented an Affidavit verifying the same; such Petition may, in Cases where the Company is unable to pay its Debts, be presented either by a Creditor or a Contributory, but where any other Ground is alleged for winding-up the Company, a Contributory alone is entitled to present the Petition.

Course to be pursued by Court on Petition of a Creditor.

CL. Upon the hearing of any Petition presented by a Creditor the Court may dismiss such Petition, with or without Costs, to be paid by the Petitioner, or it may make an Order or pronounce an Interlocutor directing the Company, by a Day to be named in the Order or Interlocutor, to pay or secure Payment to the Creditor of all Monies that may be proved due to him together with such Costs as the Court may direct; or the Court may, if it so thinks fit on the hearing of such Petition, make an Order or Decree for winding-up the Company in the first instance, or such other Order as it deems just.

Order for winding up Company on Creditors Petition.

CLI. If at the Expiration of the Time named in such Order or Interlocutor such Payment is not made or Security given the Court may thereupon make an Order or Decree for winding up the Company.

Course to be pursued by Court on Petition of Contributory

CLII. Upon the hearing of a Petition presented by a Contributory the Court may dismiss such Petition, with or without Costs, to be paid by the Petitioner, or it may make an Order or Decree directing the Company to be wound up, or such other Order or Decree as it deems just.

Effect of the Order for winding up Company.

CLIII. After the Date of such Order or Decree for winding up the Company all Suits and Actions against the Company shall, if the Court so orders, be stayed: No Director or other Officer of the Company shall, without the Sanction of the Court, dispose of any of the Property, Effects, or Things in Action of the Company, and no Transfer of any Shares shall be valid without the Sanction of the Court: A Copy of such Order or Decree shall forthwith be reported by the Public Officer of the Company to the Registrar, who shall make a Minute thereof in his Books relating to the Company: Provided, that if the Public Officer shall wilfully neglect to make such Return, such Officer shall incur a Penalty of *Ten Pounds*.

Power of Court of Chancery to transmit winding up

CLIV. In Cases where the Court of Chancery in England or Ireland makes an Order for winding up a Company registered under this Act, it may, if it thinks fit, direct all or any subsequent Proceedings

ceedings for winding up the same to be had in the Court of Bankruptcy having Jurisdiction in the Place in which the registered Office of the Company is situate, and upon such Order being made the Court therein named shall have the Jurisdiction and exercise the same Power with respect to winding up such Company as it would have and exercise in a Case by this Act declared to be within its Jurisdiction. to Court of Bankruptcy.

CLV. As soon as may be after making an Order or Decree for winding up the Company the Court shall cause the Assets of the Company to be collected and applied in discharge of its Liabilities in a due Course of Administration. Collection and Application of Assets.

CLVI. Any such Conveyance, Mortgage, Delivery of Goods, Payment, Execution, or other Act relating to Property as would if made or done by or against any individual Trader be deemed in the event of his Bankruptcy to have been made or done by way of undue or fraudulent Preference of any Creditor of such Trader shall, if made or done by or against any Company registered under this Act, be deemed, in the event of an Order being made for winding up such Company, to have been made or done by way of undue or fraudulent Preference of such Creditor of such Company and shall be invalid accordingly; and for the Purposes of this Section the Presentation of a Petition for winding up a Company shall be deemed to correspond with the filing of a Petition for Adjudication of Bankruptcy in the Case of an individual Trader, and any Conveyance or Assignment made by any Insurance Company of all its Estate and Effects to Trustees for the Benefit of all its Creditors shall be void to all Intents. Fraudulent Preference.

CLVII. The Court may, after it has made an Order or Decree for winding up the Company, summon before it any Person known or suspected to have in his Possession any of the Estate or Effects of the Company, or supposed to be indebted to the Company, or any Person whom the Court may deem capable of giving Information concerning the Trade Dealings, Estate, or Effects of the Company; and the Court may require any such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Court requisite to the full Disclosure of any of the Matters which the Court thinks necessary to be inquired into for the Purpose of winding up the Company; and if any Person so summoned refuses to come before the Court at the Time appointed, having no lawful Impediment, (made known to the Court at the Time of its sitting and allowed by it,) the Court may, by Warrant, authorize and Power of Court to summon Persons suspected of having Property of Company.

direct the Persons therein named for that Purpose to apprehend such Person and bring him before the Court for Examination.

Examination of Parties by Court.

CLVIII. The Court may examine upon Oath, either by Word of Mouth or upon written Interrogatories, any Person appearing or brought before them in manner aforesaid concerning the Affairs, Dealings, Estate, or Effects of the Company, and may reduce into Writing the Answers of every such Person and require him to sign and subscribe the same.

Penalty on Falsification of Books.

CLIX. If any Director, Officer, or Contributory of any Company, for the winding up of which an Order or Decree has been made under this Act, destroys, mutilates, alters, or falsifies any Books, Papers, Writings, or Securities, or makes or is privy to the making of any false or fraudulent Entry in any Register, Book of Account, or other Document belonging to the Company, with Intent to defraud the Creditors or Contributories of such Company, or any of them, every Person so offending shall be deemed to be guilty of a Misdemeanor, and, upon being convicted, shall be liable to Imprisonment for any Term not exceeding *Two* Years, with or without Hard Labour.

Attachments, Sequestrations, and Executions within Three Months of Petition to be void.

CLX. If any Attachment, Sequestration, or Execution is issued against any Company by virtue whereof the Estate and Effects of the Company, or any of them, may be attached, sequestered, or taken in Execution at any Time within *Three* Months next before the filing or Presentation of the Petition for winding up the Company, such Attachment, Sequestration, or taking in Execution shall be void in favour of the Liquidators of the Company as against the attaching, sequestrating, or Execution Creditor, whether the same has been completely executed or not, except that such Creditor shall, if the Attachment, Sequestration, or Execution would have been valid but for this Provision, be entitled to retain out of any Money already realized his Costs of Suit, and of the Attachment, Sequestration, or Execution, or to proceed with the Attachment, Sequestration, or Execution, for the Purpose of realizing such Costs; but on Satisfaction of such Costs, or on Tender of the Amount thereof by the Liquidators to the Creditor, it shall be lawful for the Liquidators to recover from such Creditor the Property so attached, sequestrated, and taken in Execution, and the Proceeds of such Property, or the Residue thereof, as the Case may be.

Power to arrest Member about to abscond or to remove or

CLXI. Where an Order has been made for winding up a Company registered under this Act, if, upon the Application of the Official Liquidator herein-after mentioned, it appears to the Court having Jurisdiction in the Matter of such Winding-up that there is probable Cause

Cause for believing that any Contributory to such Company is about to quit the United Kingdom, or otherwise abscond, or to remove or conceal any of his Goods or Chattels for the Purpose of evading Payment of Calls, or for avoiding Examination in respect of the Affairs of the Company, the Court may, by Warrant directed to such Person or Persons as it thinks fit, cause such Contributory to be arrested, and his Books, Papers, Moneys, Securities for Moneys, Goods and Chattels to be seized, and him and them to be safely kept until such Time as the Court may order.

conceal any of his Property.

CLXII. Any Contributory who has been arrested, or whose Goods or Chattels have been seized under any such Warrant as aforesaid, may at any Time after such Arrest or Seizure apply to the Court that issued the Warrant to discharge him from Custody, or to direct the Delivery to him of any Books, Papers, Moneys, Securities for Money, Goods or Chattels that may have been seized, and the Court shall take such Application into consideration, and shall make such Order thereon as it thinks just.

Arrested Member may apply to Court for his Discharge.

CLXIII. All Calls that are authorized by this Act to be made on a Contributory, in the event of the Company to which he belongs being wound up by the Court or voluntarily, shall be deemed in England and Ireland to be Specialty Debts from such Contributory.

Calls on Contributory to be Specialty Debt.

CLXIV. All Books, Accounts, and Documents of the Company and of the Liquidators herein-after mentioned shall, as between the Contributories of the Company, be primâ facie Evidence of the Truth of all Matters therein contained and purporting to be therein recorded.

Books of Company to be Evidence.

CLXV. The Court may at any Time after making an Order or Decree for winding up any Insurance Company, and after it has ascertained the Assets of the Company and the Debts in respect of which the several Classes of Contributories are liable, make Calls on all or any of the Contributories to the Extent of such Debts of all or any Sums it deems necessary to satisfy the Debts of the Company and the Costs of winding it up; and it may, in making a Call, take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same.

Power of Court to make Calls.

CLXVI. All Monies received under the Direction of the Court on account of the Sale or Conversion of any of the Assets of the Company, or in respect of Calls made on any Contributories, or of any other Matter, with the Exception of such Balance, if any, as the

Payment of Money into the Bank.

Official Liquidators may, with the Sanction of the Court, retain in their Hands for the Payment of current Expenses, shall, in England, be paid into the Bank of England or some Branch thereof, and in Ireland, into the Bank of Ireland or some Branch thereof, and in Scotland, into One of the incorporated or chartered Banks in Scotland, to the Credit of such Account as the Court may direct, and no Money standing to such Account shall be paid out by the Bank except upon Checks, signed in such Manner as the Court directs.

Power of Court to grant Injunction or Interdict.

CLXVII. The Court may at any Time after the Presentation of a Petition for winding up any Company, and either before or after making an Order for winding up the same, upon the Application, by Motion, of any Creditor or Contributory of such Company, restrain fnrther Proceedings in any Action or Suit against the Company, or appoint a Receiver of the Estate and Effects of the Company; it may also, by Notice or Advertisement, require all Creditors to present and prove their Claims within a certain Time or be precluded from the Benefit of any Distribution which may be made before such Claim is proved.

Power of Court to stay Proceedings.

CLXVIII. The Court may at any Time after an Order or Decree has been made for winding up any Company upon the Application, by Motion, of any Creditor or Contributory of the Company, and upon Proof to the Satisfaction of the Court that all Proceedings in relation to such Winding-up ought to be stayed, make an Order staying the same either altogether or for a limited Time on such Terms and subject to such Conditions as it deems fit.

Power of Court to adjust Rights of Contributories.

CLXIX. As soon as the Creditors are satisfied the Court shall proceed to adjust the Rights of the Contributories amongst themselves and to distribute any Surplus that may remain amongst the Parties entitled thereto; and for the Purposes of such Adjustment it may make Calls on the Contributories to the Extent of their Liability, for Payment of such Sums as it deems necessary, and it may, in making a Call, take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same.

Power of Court to order Costs.

CLXX. The Court may make such Order as to the Priority and Payment out of the Estate of the Company of the Costs, Charges, and Expenses incurred in winding up any Company as it thinks just.

OFFICIAL LIQUIDATORS.

Appointment of Official Liquidators.

CLXXI. For the Purpose of conducting the Proceedings winding up a Company under this Act and assisting the Court therein

therein there shall be appointed by the Court a Person or Persons, to be called an Official Liquidator or Official Liquidators.

Proviso as to Appointment of Liquidators by Court.

CLXXII. The Court shall, in the Appointment of an Official Liquidator or Official Liquidators, consult the Interests of both the Creditors and Contributories, and hear such Creditors or Contributories as it thinks fit to hear with respect to such Appointment: It may, unless both the Creditors and Contributories concur in the Appointment of a single Liquidator, appoint One or more Liquidator or Liquidators to act on behalf of each of such Parties: It may declare that, in case of Difference, any Act may be done by a Majority of Liquidators, or it may require the Liquidators in all Cases of Difference to apply to the Court: It may do anything hereby authorized to be done either upon the first Appointment of a Liquidator or at any subsequent Stage of the Winding-up; but notwithstanding anything herein contained it shall not be obligatory on the Court to appoint more than One Liquidator if in its Discretion it thinks that such Appointment will be most conducive to Justice.

Style and Duties of Official Liquidators.

CLXXIII. The Official Liquidators or Liquidator shall be described by the Style of the Official Liquidators or Official Liquidators of the particular Company in respect of which they or he are or is appointed and not by their or his individual Names or Name: They or he shall take into their or his Custody all the Property, Effects, and Things in Actions of the Company, and shall perform such Duties in reference to the winding up of the Company as may be imposed by the Court.

Power of Official Liquidators.

CLXXIV. The Official Liquidators shall have Power, with the Sanction of the Court, to do the following Things:—

To bring or defend any Action, Suit, or Prosecution, or other legal Proceeding, Civil or Criminal, in the Name and on behalf of the Company:

To carry on the Business of the Company so far as may be necessary for the beneficial winding up of the same:

To sell the Real and Personal, and Heritable and Moveable Property, Effects, and Things in Action, together with the Business or Goodwill of the Company, by Public Auction or Private Contract, with Power, if they think fit, to transfer the whole thereof to any Person or Company, or sell the same in Parcels:

To execute, in the Name and on behalf of the Company, all Deeds, Receipts, and other Documents they may think necessary, and for that Purpose to use when necessary the Company's Seal:

To refer Disputes to Arbitration, and compromise any Debts or Claims due to or from the Company from or to any other Person, including any Contributory or alleged Contributory:

To prove, claim, rank, and draw a Dividend in the Matter of the Bankruptcy or Insolvency or Sequestration of any Contributory for any Balance against the Estate of such Contributory, and to take and receive Dividends in respect of such Balance in the Matter of Bankruptcy or Insolvency or Sequestration as a separate Debt due from such Bankrupt or Insolvent and rateably with the other separate Creditors:

To draw, accept, make, and endorse any Bill of Exchange or Promissory Note, and also to raise upon the Security of the Assets of the Company from Time to Time any requisite Sum or Sums of Money; and the drawing, accepting, making, or endorsing of every such Bill of Exchange or Promissory Note as aforesaid on behalf of the Company shall have the same Effect with respect to the Liability of such Company as if such Bill or Note had been drawn, accepted, made, or endorsed by such Company in the course of carrying on the Business thereof:

To do and execute all such other Things as may be necessary for winding up the Affairs of the Company and distributing its Assets.

Appointment of Solicitor Official Liquidators.

CLXXV. The Official Liquidators may, with the Approval of the Court, appoint a Solicitor or Law Agent, and such Clerks or Officers as may be necessary to assist them in the Performance of their Duties: There shall be paid to such Solicitor or Law Agent, Clerks and Officers, such Remuneration by way of Fees or otherwise as may be allowed by the Court.

Remuneration of official Liquidators.

CLXXVI. There shall be paid to the Official Liquidators such Salary or Remuneration by way of Per-centage or otherwise as the Court may direct.

Dissolution of Company.

CLXXVII. When the Affairs of the Company have been completely wound up the Court shall make an Order or Decree declaring the Company to be dissolved from the Date of such Order or Decree, and the Company shall be dissolved accordingly.

Registrar to make Minute of Dissolution of Company.

CLXXVIII. Any Order or Decree so made shall be reported by the Official Liquidators to the Registrar, who shall make a Minute accordingly in his Books of the Dissolution of such Company.

CLXXIX. In

Power of Lord Chancellor of Great Britain to make Rules.

CLXXIX. In England the Lord Chancellor of Great Britain, with the Advice and Consent of the Master of the Rolls and any One of the Vice Chancellors for the Time being, or with the Advice and Consent of any Two of the Vice Chancellors, may, as often as Circumstances require, make such Rules concerning the Mode of proceeding to be had for winding up any Insurance Company in the Court of Chancery as may from Time to Time seem necessary; but until such Rules are made the general Practice of the Court of Chancery, including the Practice hitherto in use in winding up Companies, shall, so far as the same is applicable and not inconsistent with this Act, apply to all Proceedings for winding up a Company, and Official Liquidators shall be considered as occupying in all respects the Place of an Official Manager.

Power of Lord Chancellor of Ireland to make Rules.

CLXXX. In Ireland the Lord Chancellor of Ireland may, as respects the winding up of Companies in Ireland, with the Advice and Consent of the Master of the Rolls in Ireland, exercise the same Power of making Rules as is by this Act before given to the Lord Chancellor of Great Britain; but until such Rules are made the general Practice of the Court of Chancery in Ireland, including the Practice hitherto in use in Ireland in winding up Companies, shall, so far as the same is applicable and not inconsistent with this Act, apply to all Proceedings for winding up a Company, and Official Liquidators shall in all respects be considered as occupying the Place of an Official Manager.

Power of Court of Session in Scotland to make Rules.

CLXXXI. In Scotland the Court of Session may, by Act of Sederunt, exercise the same Power of making Rules of Practice as is herein-before given to the Lord Chancellor of Great Britain as regards England; but until such Rules are made the general Practice of the Court of Session in Suits pending in such Court shall, so far as the same is applicable and not inconsistent with this Act, apply to all Proceedings for winding up a Company, and Official Liquidators shall in all respects be considered as possessing the same Powers as any Trustee on a Bankrupt Estate.

Rules with respect to Fees.

CLXXXII. The Lord Chancellor of Great Britain, as respects the Court of Chancery in England, the Lord Chancellor of Ireland as respects the Court of Chancery in Ireland, the Court of Session in Scotland by Act of Sederunt as respects Proceedings in such Court, may make Rules specifying the Fees to be paid in respect of Proceedings taken under this Act for winding up a Company in such Courts respectively, and the Fees so paid in any Court of Chancery or Bankruptcy shall be applied in the Manner in which Fees taken in such Courts in ordinary Proceedings are applied.

VOLUNTARY WINDING UP OF COMPANY.

Circumstances under which Company may be wound up voluntarily.

CLXXXIII. Any Insurance Company may be wound up voluntarily,—

1. Whenever the Period, if any fixed, for the Duration of the Company by the Regulations of the Company expires, or whenever the Event, if any, takes place, upon the Occurrence of which it is provided by the Regulations of the Company that the Company is to be dissolved:
2. Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound up voluntarily.

Whenever a Company is wound up voluntarily the Company shall, from the Date of the Commencement of such Winding-up, cease to carry on its Business, except in so far as may be required for the beneficial winding-up thereof, but its corporate State and all its corporate Powers shall, notwithstanding any Provision to the contrary in its Articles of Association, continue until the Affairs of the Company are wound up.

Notice of Resolution to wind up voluntarily.

CLXXXIV. Notice of any Special Resolution to wind up a Company voluntarily shall be given as respects Companies registered in England in the "London Gazette," as respects Companies registered in Scotland in the "Edinburgh Gazette," and as respects Companies registered in Ireland in the "Dublin Gazette."

Consequences of voluntary winding up.

CLXXXV. The following Consequences shall ensue upon the voluntary winding up of a Company:—

1. The Property of the Company shall be applied in satisfaction of its Liabilities, and subject thereto shall, unless it is otherwise provided by the Regulations of the Company, be distributed amongst the Members in proportion to their Interest:
2. Liquidators shall be appointed for the Purposes of winding up the Affairs of the Company and distributing the Property:
3. The Company in General Meeting may appoint such Person or Persons as it thinks fit to be a Liquidator or Liquidators, and may fix the Remuneration to be paid by them:
4. If One Person only is appointed all the Provisions herein contained in reference to several Liquidators shall apply to him:
5. When several Liquidators are appointed every Power hereby given may be exercised by any Two of them:
6. The Liquidators shall, after the passing of the Resolution for winding up the Company, proceed to ascertain the Sufficiency of the Assets of the Company or the Debts in respect of which the several Classes of Contributories are liable, and call on the Contri-

Contributories to pay any Sums they deem necessary to satisfy the Debts of the Company, and the Costs of winding it up, and they may in making a Call take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same:

7. The Liquidators shall have all Powers herein-before vested in Official Liquidators, and may exercise the same without the Intervention of the Court:

8. All Books, Papers, and Documents in the Hands of the Liquidators shall at all reasonable Times be open to the Inspection of the Members of the Company:

9. When the Creditors are satisfied, the Liquidators shall proceed to adjust the Rights of the Contributories amongst themselves, and for the Purposes of such Adjustment they may make Calls on all the Contributories for any Sums they may deem necessary, and they may, in making a Call, take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same:

10. As soon as the Affairs of the Company are fully wound up, the Liquidators shall make up an Account showing the Manner in which such winding up has been conducted, and the Property of the Company disposed of; and such Account, with the Vouchers thereof, shall be laid before such Person or Persons as may be appointed by the Company at the General Meeting at which the Resolution for winding up the Company was passed, to inspect the same; and upon such Inspection being concluded the Liquidators shall proceed to call a General Meeting of the Members, for the Purpose of considering such Account, but no such Meeting shall be deemed to be held unless *One Month*'s previous Notice, specifying the Time, Place, and Object of such Meeting, has been published as respects Companies registered in England in the "London Gazette," and as respects Companies registered in Scotland in the "Edinburgh Gazette," and as respects Companies registered in Ireland in the "Dublin Gazette:"

11. Such General Meeting shall not enter upon any Business except the Consideration of the Account, but the Meeting may proceed to the Consideration thereof notwithstanding the Quorum required by any Regulation of the Company to be present at General Meetings is not present thereat; and if on consideration the Meeting is of opinion that the Affairs of the Company have been fairly wound up, they shall pass a Resolution to that Effect, and thereupon the Liquidators shall publish a Notice of such

Resolution as respects Companies registered in England in the "London Gazette," and as respects Companies registered in Scotland in the "Edinburgh Gazette," and as respects Companies registered in Ireland in the "Dublin Gazette," and shall also make a Return to the Registrar of such Resolution; and on the Expiration of *One Month* from the Date of the Registration of such Return the Company shall be deemed to be dissolved:

12. If within *One Year* after the passing of a Resolution for winding up the Affairs of the Company such Affairs are not wound up, the Liquidators shall immediately thereafter make up an Account showing the State of the Affairs and the Progress which has been made in winding up down to that Date, and they shall add thereto a Report stating the Reason why the winding up has not been completed, and a General Meeting shall be called to consider the same; and so on from Year to Year until the winding up of the Affairs of the Company is completed:

All Costs, Charges, and Expenses properly incurred in the voluntary winding up of a Company, including the Remuneration of the Liquidators, shall be payable out of the Assets of the Company in priority to all other Claims.

Saving of Rights of Creditors.

CLXXXVI. The voluntary winding up of a Company shall not prejudice the Right of any Creditor having just Cause of Complaint of the Manner of winding up such Company to apply to the Court as he shall be advised.

Power of Liquidators to accept Shares, &c. as a Consideration of Sale of Property of Company.

CLXXXVII. Where an Insurance Company is being wound up voluntarily, and the whole or a Portion of its Business or Property is about to be sold to another Company, the Liquidators of the first-mentioned Company may, with the Sanction of a Special Resolution of the Company by whom they were appointed, receive in Compensation or part Compensation for such Sale, Shares, Policies, or other like Interests in such other Company, for the Purpose of Distribution amongst the Members of the Company being wound up, or may enter into any other Arrangement whereby the Members of the Company being wound up may, in lieu of receiving Cash or Shares, or in addition thereto, participate in the Profits of or receive any other Benefit from the purchasing Company.

Power of Liquidators to call General Meetings.

CLXXXVIII. In the Case of a Company being wound up voluntarily, the Liquidators may from Time to Time, during the Continuance of such winding up, summon General Meetings of the Company, for the Purpose of obtaining the Sanction of the Company by a Special Resolution, or for such other Purposes as they think fit.

CLXXXIX. Where

Power of Court to adopt Proceedings of voluntary winding-up.

CLXXXIX. Where a Company is in course of being wound up voluntarily, and a Creditor having good reason to complain of the Manner in which the Estate is being wound up, shall apply to the Court for the Purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an Order directing the Company to be wound up by the Court, provide in such Order, or in any other Order, for the Adoption of all or any of the Proceedings taken in the course of the voluntary winding up; it may also, instead of making an Order that the Company should be altogether wound up by the Court, direct that the voluntary winding up should continue, but subject to such Supervision of the Court, and with such Liberty for Creditors, Contributories, or others so having reason to complain as aforesaid, but not otherwise, to apply to the Court, and generally upon such Terms and subject to such Conditions as the Court thinks just.

Penalty of Liquidators not reporting Dissolution of Company to Registrar.

CXC. If the Liquidators make wilful Default in reporting to the Registrar, in the Case of a Company being wound up by the Court, the Decree declaring the Company to be dissolved, and in the Case of a Company being wound up voluntarily, the Resolution declaring the Company to have been fairly wound up, they shall each be liable to a Penalty not exceeding *Five Pounds* for every Day during which they are so in default, and moreover shall not, while so in default, be entitled to recover any Compensation for their Services as Liquidators.

Remedy of Liquidators having in their Hands undistributed Assets of the Company.

CXCI. If at the Expiration of *Twelve* Months from the Date of the Dissolution of any Company that has been wound up under this Act, there remain in the Hands of the Liquidators any Money, Shares, or other Property which they have been unable, by reason of the Absence or Death of any Person entitled thereto, or for any other Reason, to distribute amongst the Parties so entitled, the Liquidators shall be deemed to be Trustees of such Moneys, Shares, or other Property, within the Meaning of an Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Ninety-six, intituled "An Act for better securing Trust Funds, and for "the Relief of Trustees," and of any Act amending the same, and may pay or transfer such Moneys, Shares, or other Property into the Court of Chancery accordingly.

Life Insurance Companies.

Account to be rendered by Life Insurance Companies.

CXCII. Every Insurance Company shall, at such Periods as are herein-after mentioned, render an Account, specifying the following Matters, that is to say:

1. A Table of annual Premiums used by the Company on granting

granting Assurances during the Period over which the Account extends, for the whole Term of Life, distinguishing Assurances with Profit from Assurances without Profits:

2. The gross Sum assured on Lives for the whole Term of Life in existence on the Day when the Account is closed, distinguishing the gross Sum assured on Lives according to the Ages at the Date of Account on each Decade of Life, from the youngest to the oldest Ages:
3. The net Amount of annual Premiums receivable in respect of Assurances mentioned under the last Head:
4. The gross Amount of all Sums assured for other Periods or on other Contingencies than expressed in Number 2:
5. The gross Amount of annual Premiums receivable in respect of Assurances mentioned under the last Head:
6. The gross Amount of all Reversionary Additions made to Policies, distinguishing the Sums dependent on Lives, according to the Ages and Date of Account at each Decade of Life, from the youngest to the oldest Ages:
7. The Amount of Deduction, by way of Bonus or otherwise, allowed from Premiums under the Participation Scheme, during the Period over which the Accounts extend, stating each Year separately:
8. The gross Amount, if any, of Annuities payable on Lives, distinguishing the Sums payable on Lives in each Decade of Life, according to the Age and Date of Account:
9. The gross Amount of annual Premiums, if any, receivable in respect of the Amounts mentioned under the last-mentioned Head:
10. A Statement of any other Classes of Liabilities or Engagements to which the Company may be subject, specifying their Nature and Amount:
11. A Statement of all the Assets of the Company, specifying each Class in Money, in Bonds, Mortgages, &c., and the average Rate of Interest produced:

The Account required to be given by this Section shall be rendered once at least in every Period of *Five* Years in the Case of a future Company, and once at the least in every Period of *Seven* Years in the Case of a Company existing at the Time of the passing of this Act; it shall be signed by *Three* Directors or Managers of the Company and the Public Officer.

Copies of Accounts to be sent to every Member.

CXCIII. The Accounts hereby required to be given shall be printed; a Copy shall be sent to every Shareholder, Stockholder, or Member *Seven* Days at least before the Day on which the Meeting is held,

held, at which such Account is to be presented, and to the Registrar of Joint Stock Companies, whose Duty it shall be to register the Copy so sent.

Penalty on Company making default with respect to Accounts.

CXCIV. If any Insurance Company makes default in preparing such Accounts as aforesaid, each Director or Manager of the Company, or, if there are no Directors or Managers, the Company itself, shall be liable to a Penalty not exceeding *Twenty Pounds* for every Day during which such Default continues; and if any Company makes default in sending Copies of such Accounts to the Shareholders, Stockholders, or Members, and to the Registrar, each Director or Manager, or if there are no Directors or Managers, the Company itself, shall be liable to any Penalty not exceeding *Five Pounds* for every Day during which such Default continues.

Interpretation Clause.

CXCV. The following Words and Expressions are intended to have the Meanings hereby assigned to them respectively, so far as such Meanings are not excluded by the Context, or by the Nature of the Subject Matter; (that is to say,)

The Words "Assurance Company" to mean any Assurance Company, Association, or Institution:

"Directors," "Managers," the Persons having the Direction Conduct, Management, or Superintendence of the Affairs of the Company:

"Shareholder," any Person entitled to a Share in a Company whether such Company be Proprietary or partly Proprietary and partly Mutual, or whether the Shares have been converted into Stock:

"Person" to apply to Bodies, politic or corporate, whether sole or aggregate:

"The Board of Trade," the Lords of the Committee of Her Majesty's Privy Council for the Consideration of all Matters of Trade and Plantations:

"Month," Calendar Month:

"Superior Courts" to mean Her Majesty's Superior Courts of Law and Equity in England or Ireland or Scotland:

"Occupation," Trade or Calling; if none, Rank or usual Title, as Esquire, Gentleman:

"Oath," to include Affirmation or Declaration lawfully substituted for an Oath:

Whenever, with regard to any Matter or to any Function in respect thereof, the Name of an Officer ordinarily having cognizance of such Matter, or ordinarily exercising such Function is mentioned, such Reference is to be understood to apply as well to any other

Person or Officer who may have cognizance of such Matter, or exercise such Function in respect of such Matter:

"Meetings," shall mean either Ordinary or Extraordinary Meetings, according to the Context:

" Members," Shareholders, or Stockholders, Holders of Policies with Profits in a Mutual Company, entitled to vote at Meetings and to divide Profits:

And Words denoting the Singular Number shall apply to a Plurality of Persons or Things, and vice versâ; and Words denoting the Masculine Gender are to be understood to apply to the Feminine Gender.

SCHE-

SCHEDULE.

FORM (A.)

PROPRIETARY.

MEMORANDUM of Association of the "National Insurance Company."

1st. The Name of the Company is ("The National Insurance Company.")

2d. The registered Office of the Company is to be established in England.

3d. The Object for which the Company is established is "the "effecting Insurances on Lives or Survivorships, or on any Con- "tingencies relating to or connected with Lives or Survivorships."

5th. The nominal Capital of the Company is Two hundred thousand Pounds, divided into One thousand Shares of Two hundred Pounds each.

We, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names and Addresses of Subscribers.		Number of Shares taken by each Subscriber.
" 1. John Jones, of	in the County of -	200
" 2. John Smith, of	in the County of -	25
" 3. Thomas Green, of	in the County of -	30
" 4. John Thompson, of	in the County of -	40
" 5. Caleb White, of	in the County of -	15
" 6. Andrew Brown, of	in the County of -	5
" 7. Cæsar White, of	in the County of -	10
Total Shares taken - - -		325

Dated the 22d Day of November 1855.

Witness to the above Signatures,
A. B., No. 13, Hute Street, Clerkenwell, Middlesex.

FORM (B.)

Mutual.

Memorandum of Association of the "London Mutual Assurance Company."

1st. The Name of the Company is ("The London Mutual Insurance Company").

2d. The registered Office of the Company is to be situate in England.

3d. The Object for which the Company is established is "to insure," &c. [*state the Objects*].

4th. The Number of Members of the Company is to be Five hundred, or to be unlimited, as Case may be.

We, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and of the accompanying Articles of Association.

Names and Addresses of Subscribers.

"1. John Jones, of in the County of .
"2. John Smith, of in the County of .
"3. Thomas Green, of in the County of .
"4. John Thompson, of in the County of .
"5. Cabel White, of in the County of .
"6. Andrew Brown, of in the County of .
"7. Cæsar White, of in the County of .

Dated the 22d day of November 1856.

Witness to the above Signatures,

A. B., No. 13, Hute Street, Clerkenwell, Middlesex.

TABLE (C.)

Table of Fees.

	£	*s.*	*d.*
For Registration of a Company whose nominal Capital does not exceed 1,000*l.*	3	0	0
For every 1,000*l.* of nominal Capital, or Part of 1,000*l.*, after the first 1,000*l*, and up to 100,000*l.*, an additional Fee of	0	5	0
For every 1,000*l.*, or Part of 1,000*l.*, after the first 100,000*l.*, an additional Fee of	0	1	0

For

	£	*s.*	*d.*
For Registration of any Increase in the Capital of a Company, for every 1,000*l.*, or Part of 1,000*l.*, up to 100,000*l.* in the whole - - - -	*0*	*5*	*0*
For every 1,000*l.*, or Part of 1,000*l.* beyond the first 100,000*l.*, an additional Fee of - - -	*0*	*1*	*0*
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association - - - - -	0	*5*	0
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of - - - - - -	*0*	*5*	*0*

TABLE (D.)

Table of Fees.

	£	*s.*	*d.*
For Registration of a Company whose proposed Number of Members does not exceed One hundred - - -	*3*	*0*	*0*
For every additional Fifty Members, or Number less than Fifty after the first Hundred, an additional Fee of -	*0*	*5*	*0*
For Registration of a Company the Number of whose Members are unlimited, a Fee of - - -	*20*	*0*	*0*
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association - - - - - -	*0*	*5*	*0*
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of - - - - -	*0*	*5*	*0*
Documents, per Folio - - - - -	*0*	*0*	*6*

FORM (E.)

For England and Ireland.

Indenture of Mortgage made between the "London Mutual Insurance Company" of the one Part and "John Smith" of the other Part.

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds, on condition that the Company will repay the same to him on the First Day of January next, with Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not repaying the same on the

said First of January will, so long as the same remains unpaid, pay Interest thereon at the Rate of Five Pounds per Centum, by equal half-yearly Payments on the First Day of July and the First Day of January in every Year.

Now it is hereby witnessed, that for securing the said Advance and Interest the Company hereby grant to the said "John Smith," and his Heirs, all the Lands described in the Schedule hereto, with all their actual and reputed Appurtenances; and it is hereby declared that if the Company fails in paying the whole of the Principal and Interest Monies hereby secured on the said First Day of January, the said "John Smith," or any Person for the Time being entitled to such Monies, may, at any Time thereafter, upon giving to the Company Three Months Notice, sell the said mortgaged Lands, and reimburse himself out of the Monies arising from the Sale all Sums due on this Security, and all Expenses incurred by him in respect of such Sale, rendering the Surplus, if any, to the Company or their Assigns. The Condition as to Notice shall apply only between the Parties to this Indenture, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice may not have been given.

In witness, &c.

FORM (F.)

For Scotland.

Bond and Disposition in Security by the "Edinburgh Insurance Company" to "John Smith."

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds, on condition that the Company will repay the same to him on the First Day of January next, with Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest thereon at the Rate of Five Pounds per Centum by equal half-yearly Payments on the First Day of July and the First Day of January in every Year:

Therefore, for securing the said Advance and Interest, the said Company hereby dispone to the said "John Smith," and his Heirs and Assignees whomsoever, all and whole (describe the Lands); and it is hereby declared that if the Company fails in paying the whole of the Principal and Interest Monies hereby secured on the First of January, the said "John Smith," or any Person for the Time entitled to such Monies, may, at any Time thereafter, upon giving to the Company

Company Three Months Notice, sell the said Lands, and reimburse himself out of the Monies arising from the Sale, all Sums due on this Security, and all Expenses incurred by him in respect of such Sale, rendering the Surplus, if any, to the Company or their Assigns. The Condition as to Notice shall apply only between the Parties to this Indenture, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice may not have been given.

In witness whereof.

(*To be tested and signed in common Form.*)

FORM (G.)

Form of Transfer Shares.

I of * in consideration of the Sum of paid to me by of do hereby transfer to the said Share [*or* Shares], numbered in "The Company" standing in my Name in the Books of the Company, to hold unto the said his Executors, Administrators, and Assigns [*or* Successors and Assigns], subject to the several Conditions on which I held the same at the Time of the Execution hereof; and I the said do hereby agree to take the said Share [*or* Shares] subject to the same Conditions.

As witness our Hands, the Day of

---

* *Note.*—These Words will be omitted if no Consideration is paid.

FORM (H.)

——— LIFE ASSURANCE SOCIETY.

BALANCE SHEET, from 1st January 185 to 31st December 185 .

Dr. Cr.

185		£	s.	d.	185		£	s.	d.
Jan. 1.	To Balance per last Audit				Dec. 31.	By Outstanding Liabilities			
Dec. 31.	To New Premiums					By Charges of Management :—			
	Renewed Premiums					By Incidental Expenses			
	To Annuities					By Dividend on paid-up Capital and Bonuses			
	To Interest on Investments					By Re-Assurances			
	To Deposits					By Annuities			
	To Commission on Re-Assurances					By Surrender of Policies			
	To Fees on Loan Account					By Claims paid and Bonuses thereon			
	To Outstanding Liabilities :—					By Law Charges			
	Income Tax					By Policy Stamps			
	Dividends uncalled for					By Income Tax			
	Sundry Accounts					By Deposits Repaid			
						By Interest on Deposits			
						By Balance			
						To be set out under the different Heads :			
		£					£		

185

_____ } *Directors.*

_____ *Public Officer.*

Examined and compared with the Account Books, Vouchers, and Securities, and found correct,

_____ } *Auditors.*

31*st December* 185 .

LIABILITIES.	£	s.	d.	ASSETS.	£	s.	d.
To present Value of Amount Assured, Endowments, Annuities, Immediate and Deferred				By present Value of future Premiums, payable on Policies current at this Date			
To Amount paid up on subscribed Capital and Bonus thereon				By Securities and Cash— As per Balance Sheet			
To Amount deposited							
Balance							
	£				£		
				By Balance to the Credit of the Society			

_____ } *Directors.*

_____ *Public Officer.*

Examined, &c., &c.

_____ } *Auditors.*

FORM

FORM (I.)

—— FIRE ASSURANCE SOCIETY.

BALANCE SHEET, from 31st December 185 to 31st December 185 .

RECEIPTS.	£	s.	d.	EXPENDITURE.	£	s.	d.
Fire Premiums				Losses by Fire			
Interest				Dividend paid to Shareholders			
Transfer Fees				Agents Commissions and Expenses			
Poundage on Duty				General Expenses			
				Balance of Profit invested			
£				£			

LIABILITIES.	£	s.	d.	ASSETS.	£	s.	d.
Capital Account				Investments			
Guarantee Fund				Freehold and other Property			
Premium Fund				Transfer Stamps			
Commissioners of Stamps and Taxes				Cash in the Hands of Agents			
£				£			

LIABILITIES UNDER POLICIES.

	£	s.	d.		£	s.	d.
Total Liability under Policies issued				Total Amount re-assured			

_____ } *Directors.*
_____
_____ *Public Officer.*

Examined, &c., &c.

_____ } *Auditors.*
_____

PART VI.

TABLE B.

ABSTRACT OF ARTICLES OF ASSOCIATION.

1*st.*—*The Articles of Association of every Company registered under this Act must contain Provisions for the following Purposes, viz.:*

1. For holding ordinary General Meetings of the Company once at least in every Year, at some appointed Place and Time.

2. For holding Extraordinary Meetings, convened by the Directors, or by the Requisition of not less than Five Shareholders or Policy Holders.

3. For the Adjournment of Meetings.

4. For the Advertisement and Notification of Meetings, and the Business to be transacted thereat.

5. For defining the Business which may be transacted at Meetings, Ordinary and Extraordinary, or at Adjournments thereof.

6. For the Appointment of the Chairman at any Meeting of the Company.

7. For regulating the Number of Votes each Shareholder or Policy Holder shall be entitled to.

8. For enabling Guardians, Trustees, and Committees to vote in respect of the Interest of Infants, Cestuique Trusts, Lunatics, and Idiots.

9. For ascertaining what shall be the Majorities or Numbers of Votes requisite to carry certain Questions, and where a simple Majority is to decide.

10. For prescribing the Mode and Form of the Appoinment of the Proxies to vote in the Place of absent Shareholders or Policy Holders, and for limiting the Number of Proxies which may be held by any One Person.

11. For determining Questions where the Votes are equally divided, whether by the Casting Vote of the Chairman or otherwise.

2d.—For the Direction of the Execution of the Affairs of the Company, and the Registration of its Proceedings, viz:

12. For prescribing the maximum Number of Directors to be appointed; the Number of Shares or the Amount of Policy by which they are to be qualified; the Period for which they are to hold Office, so that at least *One Third* of such Directors, or the nearest Number to *One Third*, shall retire annually, subject to Re-election if thought fit, and for the Determination of the Persons who shall so retire in each Year.

13. For filling up Vacancies in the Office of the Directors as they occur; but not so as to enable the Board of Directors (if the filling up be assigned to them), to fill up such Vacancy for a longer Period than until the next General Meeting of the Company.

14. For the Continuance in Office of Directors, in default of Election of new Directors.

15. For regulating the Meetings of Directors, the Quorum thereof, the Proceedings thereat, and the Adjournment thereof.

16. For recording the Attendances of Directors, and reporting the same to the Shareholders or Policy Holders.

17. For

17. For the Determination of Questions upon which the Votes of the Directors may be equally divided.

18. For the Appointment of a Person to take the Chair of the Directors, and for supplying any Vacancy in the Office of Chairman.

19. For the Appointment of Chairman of the Directors at Meetings at which the permanent Chairman may not be present.

20. For regulating the Appointment by the Directors of Officers, Clerks, and Servants, and for determining the Disqualification of Directors.

21. For recording the Proceedings of the Directors.

22. For keeping and entering of Minutes of such Proceedings.

23. For insuring the safe Custody of the Seal of the Company, and for regulating the Authority under which it is to be used.

24. For providing the Remuneration of the Auditors of the Accounts of the Company.

25. For providing for the Appointment of a Secretary or Clerk (if any) of the Directors.

26. For providing for the Receipt, Custody, and Issue of Monies belonging to the Company.

27. For providing for the keeping of Books of Account, and for periodically balancing the same.

28. For keeping the Records and Papers of the Company.

29. For prescribing and regulating the Duties and Qualifications of Officers.

30. For determining what Books of Accounts, Books of Registry, and other Documents may be inspected by the Shareholders of the Company, and for regulating such Inspection.

3d.—For the Borrowing of Money, viz.:

31. For determining whether the Company may borrow Money; and if so, whether on Bond or Mortgage, or any other and what Security.

32. For determining whether the Directors may contract Debts in conducting the Affairs of the Company, and if so, whether to any definite Extent.

33. For determining whether and to what Extent the Directors may make or issue Promissory Notes.

34. For determining whether and to what Extent the Directors may accept Bills of Exchange.

FOR PROPRIETARY CASES ONLY.

4th.—For the Distribution of the Capital of the Company into Shares, or for the Apportionment of the Interest in the Property of the Company, viz.:

35. For determining whether Calls or Instalments of Payments (if any) are to be made in certain Amounts and at fixed Periods, and if so, what Amounts and at what Periods.

36. For determining whether, on Failure to pay any Instalments or Calls, the Share shall or shall not be forfeited, and if forfeited, whether and on what Conditions the Property in such Share may be recovered by the Shareholder.

37. For determining whether and under what Circumstances and on what Conditions the Capital of the Company may be augmented by the Conversion of Loans into Capital or otherwise, or by the Issue of new Shares or otherwise.

38. For determining whether the Amount of new Capital shall or shall not be divided so as to allow such Amount to be apportioned amongst the existing Shareholders.

39. For determining how and what Interest or Dividend shall be paid, providing that no Dividend shall be declared, except from the Profits of the Company.

Insurance and Assurance Institutions.

A

BILL

To regulate Insurance and Assurance Institutions, and to arrange for their Incorporation.

(*Prepared and brought in by Mr. Henry Brinsley Sheridan and Colonel French.*)

Ordered, by The House of Commons, *to be Printed*, 2 *June* 1858.

[Bill 100.]

Under 11 *oz.*

23 *July* 1858. 21 & 22 Vict.

A

BILL

TO

Make Provisions to secure International Patent Right.

WHEREAS it is expedient that Her Majesty should be enabled to provide for the Protection in Her Dominions of the Inventions of Persons who may have obtained Patents or like Privileges for their useful Inventions in Foreign Countries where like Protection is obtained in such Foreign Countries for Inventions in respect of which Patents are granted in this Country: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Her Majesty, by Order in Council, may declare that Inventions which may be thereafter protected in any Foreign State in such Order mentioned by a Patent or like Privilege granted according to the Laws of such Foreign State, after a Time in such Order mentioned in this Behalf, may be registered and protected under this Act, and it shall be lawful for Her Majesty to provide and declare by such Order in Council, or by any Order in Council from Time to Time made for this Purpose, in what Manner the Grant of the Privilege or Patent in such Her Majesty, by Order in Council, may apply the Provisions of this Act to Inventions patented in a Foreign State (named in the Order).

such Foreign State shall be verified or proved to authorize the Grant of a Certificate in respect thereof under this Act.

On Application to the Patent Office a Foreign Patent and the Specification may be filed.

II. Application in Writing may be made to the Office of the Commissioners of Patents for Inventions by or on behalf of any Person interested in the Patent or like Privilege obtained in the Foreign State (and after the Time in such Order in Council mentioned), for Registration under this Act, and with such Application there shall be left at the said Office a Copy of the Patent or Privilege granted in such Foreign Country, and of the Specification or like Description of the said Invention, and such Evidence in relation to the Grant of the Patent or Privilege as may be required or authorized by such Order in Council.

The Foreign Patent and the Specification to be filed in the Office.

III. Every such Application shall be examined by an Officer to be appointed by the said Commissioners for this Purpose; and in case he shall be satisfied that the Patent or like Privilege to which the Application relates has been granted, the said Patent or like Privilege, and the Specification or Description (or Translations thereof respectively) shall be filed in the Office of the said Commissioners, and a Copy of every such Specification or Description, with an Abstract of the Patent or Privilege, showing the Date thereof and Terms of Protection thereby granted, shall be open to the Inspection of the Public, subject to the Regulations of the Commissioners.

Certificate to be granted to the Person interested in the Invention to have the Effect of Letters Patent.

15 & 16 Vict. c. 83.

IV. Upon the filing of such Patent, or like Privilege and Specification or Description as aforesaid, a Certificate thereof shall be delivered to the Applicant of the filing of his Patent or Privilege and Specification in the Office of the Commissioners or his Agent; and thereupon the Person entitled under the Foreign Patent or Privilege, shall be protected under this Act, and shall have the like Powers, Rights, and Privileges, during such Term as herein-after mentioned, as if Letters Patent had been granted to him by Her Majesty for his said Invention under the Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Eighty-three, and had been duly sealed as of the Day of the Date of such Foreign Patent or Privilege, and as if in such Letters Patent of Her Majesty had been contained a Condition for making void the same if the Specification so filed as aforesaid does not particularly describe and ascertain the Manner of the Invention, and in what Manner the same is to be performed.

Term of Protection under the Certificate.

V. The Term of the Powers, Rights, and Privileges under such Certificate as aforesaid shall be the Term for which Protection may have been granted by such Foreign Patent or Privilege, or if such Term exceed the Term of *Fourteen* Years which could have been granted by Letters Patent under the said Act, then the Term of *Fourteen* Years from the Day of the Date of such Foreign Patent or Privilege.

VI. No

No Order in Council to have any Effect, unless it states that reciprocal Protection is secured.

VI. No such Order in Council shall have any Effect unless it shall be therein stated, as the Ground for issuing the same, that due Protection has been secured by the Foreign State named in such Order in Council for the Benefit of Parties interested in Inventions for which Letters Patent may be granted by Her Majesty in the United Kingdom after the Time mentioned in such Order.

Orders in Council to be laid before Parliament.

VII. A Copy of every Order of Her Majesty in Council made under this Act shall be laid before both Houses of Parliament within *Six* Weeks after issuing the same, if Parliament be then sitting, and if not, then within *Six* Weeks after the next Meeting of Parliament.

Orders in Council may be revoked.

VIII. It shall be lawful for Her Majesty by an Order in Council from Time to Time to revoke or alter any Order in Council previously made under the Authority of this Act, but nevertheless without Prejudice to any Right acquired previously to such Revocation or Alteration.

Orders in Council to be published in Gazette and to have same Effect as this Act.

IX. Every Order in Council to be made under the Authority of this Act shall, as soon as may be after the making thereof by Her Majesty in Council, be published in the London Gazette, and from the Time of such Publication shall have the same Effect as if the Provisions thereof were enacted by this Act.

Power to Commissioners to make Rules and Regulations, which shall be laid before Parliament.

X. It shall be lawful for the Commissioners of Patents for Inventions from Time to Time to make such Rules and Regulations (not inconsistent with the Provisions of this Act) respecting the Application for and the Issue of Certificates under this Act, and for keeping Registers thereof and of the Specifications, as may appear to them necessary and expedient for the Purposes of this Act, and for facilitating Searches and Inspection of such Specifications and all such Rules, shall be laid before both Houses of Parliament within *Fourteen* Days after the making thereof, if Parliament be sitting, and if Parliament be not sitting then within *Fourteen* Days after the next Meeting of Parliament; and the Commissioners shall include a Report of any Proceedings by them under and in pursuance of this Act in the annual Report of their Proceedings under the said Act of the Fifteenth and Sixteenth Years of Her Majesty.

Commissioners to make Tables of Fees.

XI. It shall be lawful for the Commissioners of Patents from Time to Time to make Tables of Fees, and vary and add to and increase and reduce the same, which shall be payable and paid to the Commissioners of Patents in respect of Applications for Certificates and all Proceedings thereon under this Act; and such Fees shall be levied and taken, applied and dealt with in all respects in like Manner as Fees payable under the said Act of the Fifteenth and Sixteenth Victoria, Chapter Eighty-three.

International Patent Right.

A

B I L L

To make Provisions to secure International Patent Right.

(*Prepared and brought in by Mr. Seymour Fitz Gerald, Mr. Henley, and Mr. Hardy.*)

Ordered, by The House of Commons, *to be Printed,* 23 *July* 1858.

[Bill 235.]

Under 1 *oz.*

A

BILL

INTITULED

An Act to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Either House of Parliament may modify the Form of the Oath to be taken instead of the Oaths of Allegiance, &c. by a Jew, to entitle him to sit and vote in such House.

I. Where it shall appear to either House of Parliament that a Person professing the Jewish Religion, otherwise entitled to sit and vote in such House, is prevented from so sitting and voting by his conscientious Objection to take the Oath which by an Act passed or to be passed in the present Session of Parliament has been or may be substituted for the Oaths of Allegiance, Supremacy, and Abjuration in the Form therein required, such House, if it think fit, may resolve that thenceforth any Person professing the Jewish Religion, in taking the said Oath to entitle him to sit and vote as aforesaid, may omit the Words "and I make this Declaration upon the true Faith of a Christian," and so long as such Resolution shall continue in force, the said Oath, when taken and subscribed by any Person professing the Jewish Religion to entitle him to sit and vote in that House of Parliament, may be modified accordingly; and the taking and subscribing by any Person professing the Jewish Religion of the Oath so modified shall, so far as respects the Title to sit and vote in such House, have the same Force and Effect as the taking and subscribing

by other Persons of the said Oath in the Form required by the said Act.

As to the Form of Oath in other Cases.

II. In all other Cases, except for sitting in Parliament as aforesaid, or in qualifying to exercise the Right of Presentation to any Ecclesiastical Benefice in Scotland, whenever any of Her Majesty's Subjects professing the Jewish Religion shall be required to take the said Oath, the Words "and I make this Declaration upon the true Faith of a Christian," shall be omitted.

Act not to enable Persons professing the Jewish Religion to hold certain Offices.

III. Nothing herein contained shall extend or be construed to extend to enable any Person or Persons professing the Jewish Religion to hold or exercise the Office of Guardians and Justices of the United Kingdom, or of Regent of the United Kingdom, under whatever Name, Style, or Title such Office may be constituted, or of Lord High Chancellor, Lord Keeper or Lord Commissioner of the Great Seal of Great Britain or Ireland, or the Office of Lord Lieutenant or Deputy or other Chief Governor or Governors of Ireland, or Her Majesty's High Commissioner to the General Assembly of the Church of Scotland.

Rights of Presentation to any Ecclesiastical Benefice possessed by Persons professing the Jewish Religion to devolve upon the Archbishop of Canterbury for the Time being.

IV. Where any Right of Presentation to any Ecclesiastical Benefice shall belong to any Office in the Gift or Appointment of Her Majesty, Her Heirs, or Successors, and such Office shall be held by a Person professing the Jewish Religion, the Right of Presentation shall devolve upon and be exercised by the Archbishop of Canterbury for the Time being; and it shall not be lawful for any Person professing the Jewish Religion, directly or indirectly, to advise Her Majesty, Her Heirs, or Successors, or any Person or Persons holding or exercising the Office of Guardians of the United Kingdom, or of Regent of the United Kingdom, under whatever Name, Style, or Title such Office may be constituted, or the Lord Lieutenant or Lord Deputy, or any other Chief Governor or Governors of Ireland, touching or concerning the Appointment to or Disposal of any Office or Preferment in the United Church of England and Ireland or in the Church of Scotland; and if such Person shall offend in the Premises, he shall, being thereof convicted by due Course of Law, be deemed guilty of a high Misdemeanor, and disabled for ever from holding any Office, Civil or Military, under the Crown.

Jews.

A

BILL

INTITULED

An Act to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion.

(*Brought from the Lords* 13 *July* 1858.)

Ordered, by The House of Commons, *to be Printed,* 13 *July* 1858.

[Bill 210.]

Under 1 *oz.*

15 *February* 1858. 21 VICT.

A

BILL

TO

Enable Joint Stock Banking Companies to be formed on the Principle of Limited Liability.

WHEREAS it is expedient to enable Banking Companies to be formed on the Principle of Limited Liability: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. So much of the Joint Stock Banking Companies Act, 1857, as prohibits a Banking Company from being formed under that Act with limited Liability, or prohibits an existing Banking Company from being registered under that Act with limited Liability, shall be repealed, subject to the following Proviso, that no Banking Company claiming to issue Notes in England or Wales shall be entitled to be registered as a limited Company until it shall have relinquished such Privilege under the Twenty-fourth Section of the Seventh and Eighth Victoria, Chapter Thirty-two. Repeals the Prohibition to form Limited Banking Companies. Proviso as to Bankers issuing Notes.

II. The Registration of a Banking Company under the Joint Stock Banking Companies Act, 1857, or under any other Act, shall not prejudice Registration of Banking Companies shall not

prejudice Re-registration as limited.

prejudice the Right of such Company to register itself again as a Limited Company under the said Joint Stock Banking Companies Act, 1857, and the Acts incorporated therewith.

Limited Banking Company to annex a Statement to their Memorandum of Association.

III. Every Limited Joint Stock Banking Company shall, before it commences Business, and also on the *First Day of January* in every Year during which it carries on Business, annex to a Copy of the Memorandum of Association a Statement of the Number of Shares issued, and the Amount of Deposit or Calls made on each Share, in the Form contained in the Schedule hereto, or as near thereto as Circumstances will admit, and a Copy of such Memorandum, with such Statement annexed thereto, shall be put up in a conspicuous Place in the registered Office of the Company; and if Default is made in due Compliance with the Provisions of this Section, each Director shall be liable to a Penalty not exceeding *Five Pounds* for every Day during which such Default continues, and such Penalties shall be recovered in a summary Manner.

How Limited Banking Companies wound up.

IV. Limited Joint Stock Banking Companies shall be wound up in the same Manner and under the same Jurisdiction as that in and under which Joint Stock Banking Companies other than Limited are required to be wound up by the Joint Stock Banking Companies Act, 1857.

SCHEDULE referred to in the foregoing Act.

Form of Statement to be annexed to the Memorandum of Association.

The Number of Shares issued is 10,000.

Calls to the Amount of 20*l.* per Share have been made, under which the Sum of 180,000*l.* has been received.

Dated the 1st of January 1859.

Joint Stock Banking Companies.

A

B I L L

To enable Joint Stock Banking Companies to be formed on the Principle of Limited Liability.

(*Prepared and brought in by Mr. Headlam and Mr. Joseph Ewart.*)

Ordered, by The House of Commons, *to be Printed*, 15 *February* 1858.

[Bill 21.]

Under 1 *oz.*

7 *June* 1858. 21 Vict.

A

BILL

TO

Amend the Joint Stock Companies Acts, 1856 and 1857, and the Joint Stock Banking Companies Act, 1857.

Preamble. 20 & 21 Vict. c. 14. s. 19.

WHEREAS by the Nineteenth Section of "The Joint Stock Companies Act, 1857," it is amongst other things provided, that where a Company is in course of being wound up voluntarily, and Proceedings are taken for having the same wound up by the Court, the Court may, instead of making an Order that the Company should be altogether wound up by the Court, direct that the voluntary Winding-up should continue, but subject to such Supervision of the Court, and with such Liberty for Creditors, Contributories, and others to apply to the Court, and generally upon such Terms and subject to such Conditions as the Court thinks just: And whereas it is expedient to make further Provision for enabling Companies to be wound up in manner directed by the said Nineteenth Section: And whereas it is expedient to explain and amend the Acts herein-after referred to as the Joint Stock Companies Acts," that is to say, "The Joint Stock Companies Act, 1856," "The Joint Stock Companies Act, 1857," and "The Joint Stock Banking Companies Act, 1857:" Be it enacted by the Queen's most Excellent

Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

I. This Act may be cited for all Purposes as "The Joint Stock Companies Amendment Act, 1858," and it shall be included in the Expression "Joint Stock Companies Acts," as herein-after used, unless there is something in the Context inconsistent with its being so included.

Petition for winding up, subject to Supervision.

II. A Petition praying wholly or in part that a voluntary Winding-up may continue, subject to the Supervision of the Court, shall, for the Purpose of giving Jurisdiction to the Court over Suits and Actions, and over the Appointment of a Receiver, be deemed to be a Petition for winding up the Company by the Court; and in determining whether a Company is to be wound up altogether compulsorily or under the Provisions of the said Nineteenth Section, the Court may have regard to the Wishes of the Majority in Number and Value of the Creditors as proved to it by any sufficient Evidence.

Power of Court in proceeding under 19th Section to appoint additional Liquidators.

III. Where any Order is made by the Court, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, the Court may in such Order or in any subsequent Order appoint any additional Liquidator or Liquidators; and any Liquidator or Liquidators so appointed by the Court shall have the same Powers, be subject to the same Obligations, and in all respects stand in the same Position as if they had been appointed by the Company: The Court may from Time to Time remove any Liquidator or Liquidators so appointed by the Court, and fill up any Vacancy occasioned by such Removal, or by the Death or Resignation of any such Liquidator or Liquidators: The Court shall in the Appointment of a Liquidator or Liquidators under this Section consult any Creditor or Classes of Creditors it may think expedient to consult for the Purpose of ascertaining what Appointments are most for the Interest of the Creditors.

Effect of Order of Court under 19th Section.

IV. Where an Order is made by the Court, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, the Liquidators appointed to conduct such Winding-up may, subject to any Order made by the Court, exercise all Powers given to them, without the Intervention of the Court, in the same Manner as if the Company were being wound up altogether voluntarily; but, save as aforesaid, any Order made by the Court, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, shall for all Purposes, including the Application of any Provision relating to fraudulent Preference, be deemed to be an Order of the Court for winding up the Company by the Court, and shall confer full

full Authority on the Court to make Calls, or to enforce Calls made by the Liquidators, and to exercise all other Powers which it might have exercised of its own Motion, or on the Application of the official Liquidators, if an Order had been made for winding up the Company altogether by the Court.

Actions and Suits to be stayed.

V. Where an Order has been made for winding up a Company compulsorily, or where an Order has been made, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, no Suit, Action, or other legal Proceeding shall be proceeded with or commenced against the Company or the Public Officer thereof, or any Member of the Company in respect of a Debt of the Company, except with the Leave of the Court, and subject to such Terms as the Court may impose.

Inspection of Books.

VI. Where an Order has been made for winding up a Company compulsorily, or where an Order has been made, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, the Court may make such Order as it thinks just as to the Inspection by the Creditors and Contributories of Books and Papers of the Company, and such Books and Papers may be inspected by Creditors or Contributories, in conformity with such Order of the Court, but not further or otherwise.

Appointment of voluntary Liquidators as Official Liquidators.

VII. Where an Order has been made in pursuance of the said Nineteenth Section for the Continuance of a voluntary Winding-up, and such Order is afterwards superseded by an Order directing the Company to be wound-up compulsorily, the Court may in such last-mentioned Order, or in any subsequent Order, appoint the voluntary Liquidators or any of them, either provisionally or permanently, and either with or without the Addition of any other Persons, to be Official Liquidators.

Power of Court to give Discretion to official Liquidators.

VIII. Where the Court makes an Order for winding up a Company compulsorily, it may, if it thinks fit, provide by that or any subsequent Order that the official Liquidators may exercise any specified Powers without the Intervention of the Court.

General Scheme of Liquidation may be sanctioned by Court.

IX. Where an Order has been made for winding up a Company compulsorily, or where an Order has been made, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, the Liquidators may, with the Sanction of the Court, at any Stage of the Winding-up, pay any Classes of Creditors in full, or make such other Arrangement with Creditors as the Court may sanction; and any general or partial Scheme of Liquidation, if

approved of by the Court, shall be binding on all the Creditors and Contributories of the Company.

Reservation of Practice under old Winding-up Acts.

X. The Practice hitherto in use in the Court of Chancery in England in winding up Companies, under "The Joint Stock Companies Winding-up Act, 1848," and "The Joint Stock Companies Winding-up Act, 1849," including the Service of Summonses, Notices, and other Documents by Post, and including the Payment of a Per-centage in lieu of Fees to the Suitors Fee Fund, the Non-entry of Orders at the Registry Office, and all Powers and Jurisdictions given to the said Court of Chancery by the said Acts, and not conferred by the Joint Stock Companies Acts, shall be applicable to the winding-up under the said Joint Stock Companies Acts of Companies by the Court of Chancery and Courts of Bankruptcy in England, until Rules for regulating such Winding-up are made in pursuance of the Powers for that Purpose given by the said Joint Stock Companies Acts; and the Courts of Chancery and Courts of Bankruptcy in England may adopt such Practice, Powers, and Jurisdictions to the same Extent as if the Companies were being wound up under "The Joint Stock Companies Winding-up Act, 1848," and "The Joint Stock Companies Winding-up Act, 1849."

Order made in England to be enforced in Ireland and Scotland.

XI. Any Order made by the Court in England for or in the Course of the Winding-up of a Company under the Joint Stock Companies Acts shall be enforced in Scotland and Ireland in the Courts that would respectively have had Jurisdiction in respect of such Company if the registered Office of the Company had been established in Scotland or Ireland, and in the same Manner in all respects as if such Order had been made by the Courts that are hereby required to enforce the same; and, similarly, Orders made by the Court in Scotland for or in the Course of the Winding-up of a Company shall be enforced in England and Ireland, and Orders made by the Court in Ireland for or in the Course of winding up a Company shall be enforced in England and Scotland by the Courts which would respectively have had Jurisdiction in the Matter of such Company if the registered Office of the Company were established in each Division of the United Kingdom where the Order is required to be enforced, and in the same Manner in all respects as if such Order had been made by the Court required to enforce the same in the Case of a Company within its own Jurisdiction.

Mode of dealing with Orders to be enforced by other Courts.

XII. Where any Order made by one Court is required to be enforced by another Court, as herein-before provided, an Office Copy of the Order so made shall be produced to the proper Officer of the Court required to enforce the same, and the Production of such Office Copy

Copy shall be sufficient Evidence of such Order having been made, and thereupon such last-mentioned Court shall cause such Order to be registered, or shall take such other Steps in the Matter as may be requisite for enforcing such Order, in the same Manner as if it were the Order of the Court enforcing the same.

Power for Liquidators in voluntary Winding-up to apply to Court for Aid.

XIII. Where a Company is being wound up altogether voluntarily, the Liquidators may apply to the Court by Petition, Motion, the Presentation of a Special Case, or in such other Manner as the Court may direct, to determine any Question arising in the Matter of such Winding-up, or to exercise, as respects the enforcing any Calls, or in respect of any other particular Matter, all or any of the Powers which the Court might exercise if the Company were being wound up compulsorily; and the Court, if satisfied that the Determination of such Question or the required Exercise of Power will be just and beneficial, may accede, wholly or partially, to such Application, upon such Terms and subject to such Conditions as the Court thinks fit, or it may make such other Order on such Application as the Court thinks just.

Power of Company to fill up Vacancies in Liquidators.

XIV. Where any Company is being wound up altogether voluntarily, or is being wound up subject to the Provisions of the said Nineteenth Section, the Company in General Meeting may fill up any Vacancy occasioned by the Death or Resignation of any Liquidator or Liquidators appointed by the Company.

Power for Liquidators to invest.

XV. In case of any Company being wound up compulsorily, the Liquidators may invest any Moneys for the Time being in their Hands, or standing to their Credit in the Bank of England, arising from such Winding-up, in Government Securities including Exchequer Bills.

Manner of making a Call.

XVI. In fixing the Amount payable by any Contributory, in pursuance of the Joint Stock Companies Acts or any of them, he shall be debited with the Amount of all Debts due from him to the Company, including the Amount of the Call, and shall be credited with all Sums due to him from the Company on any independent Contract or Dealing between him and the Company, and the Balance, after making such Debit and Credit as aforesaid, shall be deemed to be the Sum due.

Calls proveable against Bankrupts or Insolvents Estates.

XVII. All Calls and Liabilities to Calls made or to be made on any Shareholder or Contributory, in pursuance of any of the Joint Stock Companies Acts shall, in the event of such Shareholder or

Contributory becoming bankrupt or insolvent, be proveable against his Estate.

Repeal of s. 16. of 20 & 21 Vict. c. 17., and amended Clause substituted.

XVIII. The Sixteenth Section of "The Joint Stock Companies Act, 1857," shall be repealed; and in lieu thereof be it enacted as follows: The Liquidators shall have Power to compromise all Calls and Liabilities to Calls, Debts, and Liabilities capable of resulting in Debts, and all Claims, whether present or future, certain or contingent, ascertained, or sounding only in Damages, subsisting or supposed to subsist between the Company and any Contributory or alleged Contributory, or other Debtor or Person apprehending Liability to the Company, upon the Receipt of such Sums, payable at such Times, and generally upon such Terms as may be agreed upon, with Power for the Liquidators to take any Security for the Discharge of such Debts or Liabilities, and to give complete Discharges in respect of all or any such Calls, Debts, or Liabilities; subject to the Proviso, that where an Order has been made by the Court for winding up a Company compulsorily, or where an Order has been made, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, no such Compromise shall be made, except in accordance with the Directions of the Court, as expressed generally in any Order made by the Court, or as given in each particular Case; and that where a Company is being wound up altogether voluntarily no such Compromise shall be effected, except with the Sanction of a special Resolution of the Company, or of a general or particular Power delegated to the Liquidators by a special Resolution.

Prosecution of delinquent Directors, &c. in case of compulsory Winding-up.

XIX. Where any Order is made for winding up a Company compulsorily, or for the Continuance of a voluntary Winding-up, subject to the Provisions of the said Nineteenth Section, if it appear in the Course of such Winding-up that any past or existing Director, Manager, Public Officer, or Member of such Company has been guilty of any Offence in relation to the Company for which he is criminally responsible, the Court may, on the Application of any Person interested in such Winding-up, or of its own Motion, cause a Report of such Offence to be laid before Her Majesty's Attorney General, in order that all proper Proceedings may be taken for the Punishment of such Offence.

Prosecution of delinquent Directors in the Case of voluntary Winding-up.

XX. Where a Company is being wound up altogether voluntarily, if it appear to the Liquidators conducting such Winding-up that any past or existing Director, Manager, Public Officer, or Member of such Company has been guilty of any Offence in relation to the Company for which he is criminally responsible, it shall be lawful for the Liquidators to prosecute such Offender, and all Expenses

penses properly incurred by them in such Prosecution shall be payable out of the Assets of the Company in Priority to all other Liabilities.

XXI. The Hundred and sixteenth Section of "The Joint Stock Companies Act, 1856," shall not apply to Companies registered under "The Joint Stock Banking Companies Act, 1857." 19 & 20 Vict. c. 47. s. 116. not to apply to certain Companies.

XXII. This Act shall apply in Cases where an Order has been already made for winding up a Company compulsorily, or where an Order has been made, in pursuance of the Nineteenth Section, for the Continuance of a voluntary Winding-up, or where a Company is in the Course of being wound up altogether voluntarily. Application of Act to existing Winding-up.

XXIII. Any Company or Copartnership, consisting of Seven or more Persons, having by its Constitution a Capital of fixed Amount, divided into Shares, also of fixed Amount, if it legally carried on the Business of Banking previously to "The Banking Companies Act, 1857," is entitled to register itself or to continue registered under "The Joint Stock Banking Companies Act, 1857," for the Purpose of winding up under that Act, and if it legally carried on any other Business than Banking, except that of Insurance, previously to the passing of "The Joint Stock Companies Act, 1856," is entitled to register itself or to continue registered under "The Joint Stock Companies Act, 1856," or the Joint Stock Companies Acts, 1856, 1857, for the Purpose of winding up under those Acts. Companies may register for Purposes of winding up.

XXIV. This Act shall extend to the Provisions of the Joint Stock Companies Acts, 1856, 1857, incorporated with "The Joint Stock Banking Companies Act, 1857." Application of Act to Acts.

Joint Stock Companies Acts Amendment.

A

B I L L

To amend the Joint Stock Companies Acts, 1856 and 1857, and the Joint Stock Banking Companies Act, 1857.

(*Prepared and brought in by Mr. FitzRoy, Mr. Henley, and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 7 *June* 1858.

[Bill 112.]

Under 1 *oz.*

1 *July* 1858. 21 & 22 Vict.

(Ireland.)

A

BILL

TO

Amend an Act of the Thirteenth and Fourteenth Years of Her present Majesty, to amend the Laws concerning Judgments in Ireland.

WHEREAS by an Act passed in the Session of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to amend the Laws concerning "Judgments in Ireland," it was enacted, that the Provisions thereinbefore recited of the said Acts of the Sixth Year of King William the Fourth and the Fourth Year of Her Majesty should not in anywise extend or be applicable to any Judgment entered up in any of Her Majesty's Superior Courts at Dublin, or obtained in any Inferior Court of Record, after the passing of the said Act, nor to any Decree, Order, or Rule made after the passing of the said Act, and no Writ of Elegit or Writ of Execution (save as therein-after mentioned) should issue or be sued upon any such Judgment, Decree, Order, or Rule, against any Lands, Tenements, or Hereditaments, or any Estate or Interest therein, nor should any Lands, Tenements, or Hereditaments, or any Estate or Interest, be charged or affected by any such Judgment, Decree, Order, or Rule, save as provided by the said Act: And whereas it was thereby further enacted, that where any Judg-

Preamble. 13 & 14 Vict. c. 2. s. 1.

ment should be entered up after the passing of the said Act in any of Her Majesty's Superior Courts at Dublin, or any Decree or Order in any Court of Equity, Rule in any Court of Common Law, or Order in Bankruptcy or Lunacy, to which the Effect of a Judgment in One of the Superior Courts of Common Law is given by the said Act of the Fourth Year of Her Majesty, should be made, after the passing of the said Act, or any Judgment, Rule, or Order should be obtained or made in or by any Inferior Court of Record, after the passing of the said Act, and should, under the Provisions of the Act of the Fourth Year of Her Majesty, therein recited, be removed into One of Her Majesty's Superior Courts of Record at Dublin, and the Creditor under any such Judgment, Decree, Order, or Rule should know or believe that the Person against whom such Judgment, Decree, Order, or Rule to be entered up, obtained, or made is seised or possessed, at Law or in Equity, of any Lands, Tenements, or Hereditaments of any Nature or Tenure, or has any disposing Power over any such Lands, Tenements, or Hereditaments which he might without the Assent of any other Person exercise for his own Benefit, and where any Judgment has been entered up before the passing of the Act hereby recited in any of Her Majesty's Superior Courts of Dublin, or any Decree or Order in any Court of Equity, Rule in any Court of Common Law, or Order in Bankruptcy or Lunacy, to which the Effect of a Judgment in One of the Superior Courts of Common Law is given by the said Act of the Fourth Year of Her Majesty, has been made before the passing of the now recited Act, or any Judgment, Rule, or Order has been obtained or made in or by any Inferior Court of Record before the passing of the now recited Act, and has been or should be, under the Provisions of the said Act of the Fourth Year of Her Majesty, removed into One of Her Majesty's Superior Courts at Dublin, and the Creditor, under any such Judgment, Decree, Order, or Rule, should know or believe that the Person against whom such Judgment, Decree, Order, or Rule may have been entered up, obtained, or made is seised or possessed as aforesaid over any Lands, Tenements, or Hereditaments which by virtue of the now recited Act are exempted from being taken in Execution under any Writ of Execution to be issued upon such Judgment, Decree, Order, or Rule, it should be lawful for such Creditor, at any Time, and from Time to Time, after the entering up a Removal of such Judgment in or into such Superior Court, or the making of such Decree, Order, or Rule, or the passing of the now recited Act, whichever should last happen, to make and file in the Superior Court in, by, or into which such Judgment, Rule, or Order may have been entered up, made, or removed, or in the Court of Equity by which such Decree or Order may have been made, or in case of such Order in Bankruptcy or Lunacy as aforesaid in the Court of Chancery in Ireland,

Ireland, an Affidavit stating the Name or Title of the Cause or Matter, and the Court in which such Judgment, Decree, Order, or Rule may have been entered up, obtained, or made, and the Date of such Judgment, Decree, Order, or Rule, and the Names, and the usual or last known Place of Abode, and the Title, Trade, or Profession of the Plaintiff (if there be such), and of the Defendant or Person whose Estate is intended to be affected by the Registration, as herein-after mentioned, of such Affidavit, and the Amount of the Debt, Damages, Costs, or Monies recovered or ordered to be paid by such Judgment, Decree, Order, or Rule, and stating that to the best of the Knowledge and Belief of the Deponent the Person against whom such Judgment, Decree, Order, or Rule may have been entered up, obtained, or made is at the Time of the swearing of such Affidavit so seised or possessed or has such disposing Power as aforesaid of or over such Lands, Tenements, or Hereditaments, and that such Affidavit should specify the County and Barony, or the Town or County of a City and Parish, or the Town and Parish, in which the Lands to which the Affidavit relates are situate, and where such Lands lie in Two or more Counties or Baronies, or Parishes or Streets, or partly in one Barony, Parish, or Street, and partly in another, the same shall be distinctly stated in such Affidavit; and that it should be lawful for the Creditor making such Affidavit to register the same in the Office for registering Deeds, Conveyances, and Wills in Ireland, by depositing in such Office an Office Copy of such Affidavit, and that such Copy should be numbered and transcribed, and be entered in the Book and Indexes kept in the said Office, in like Manner as if the same were a Memorial of a Deed; and for the Purpose of such Entries the Creditors under such Judgment, Decree, Order, or Rule should be deemed the Grantee, and the Debtor thereunder should be deemed the Grantor, and the Amount of the Debt, Damages, Costs, or Monies recovered or ordered to be paid thereby should be deemed the Consideration; and the like Fees should be paid on such Registration as in the Case of registering a Memorial of a Deed: And whereas it was thereby further enacted, Thirteenth and Fourteenth Victoria, Chapter Twenty-nine, Section Seven, that the Registration as aforesaid of such Affidavit should operate to transfer to and vest in the Creditor registering such Affidavit all the Lands, Tenements, and Hereditaments mentioned therein, for all the Estate and Interest of which the Debtor mentioned in such Affidavit should at the Time of such Registration be seised or possessed, at Law or in Equity, or might at such Time create, by virtue of any disposing Power which he might then without the Assent of any other Person exercise for his own Benefit, but subject to Redemption on Payment of the Money owing on the Judgment, Decree, Order, or Rule mentioned in such Affidavit; and that such Creditor, and all Persons claiming through or under him, should, in

respect of such Lands, Tenements, and Hereditaments, or such Estate or Interest therein as aforesaid, have all such Rights, Powers, and Remedies whatsoever as if an effectual Conveyance, Assignment, Appointment, or other Assurance to such Creditor of all such Estate or Interest, but subject to Redemption as aforesaid, had been made, executed, and registered at the Time of registering such Affidavit: And whereas for the Purposes of Registration under the said recited Act a Form of Affidavit has been generally adopted which purports to verify on Oath the Seisin or Possession and the Description of the Lands to be affected by such Registration, in manner directed by the said recited Act, but in which the Name or Title of the Cause or Matter, and the Court in which such Judgment, Decree, Order, or Rule has been entered up, obtained, or made, and the Date of such Judgment, Decree, Order, or Rule, and the Names, and the usual or last known Place of Abode, and the Title, Trade, or Profession of the Plaintiff (if there be such), and of the Defendant or Person whose Estate is intended to be affected by the Registration of such Affidavit, and the Amount of the Debt, Damages, Costs, or Monies recovered or ordered to be paid by such Judgment, Decree, Order, or Rule, or some One or more of such Facts, have been stated, recited, or referred to on the Face of such Affidavit, without being covered by a Verification on Oath: And whereas the Validity of Registration upon Affidavits in such Form has been questioned: And whereas the Omission to verify such Facts upon Oath has been general, and, unless some legislative Remedy be applied to such Cases, might lead to Confusion and Injustice if such Objections should be ultimately decided as valid: And whereas all Persons who have searched the said Registry must have had full Notice of such Facts, so far as same have been truly stated: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Creditor may file supplemental Affidavit as to certain Matters.

I. That wherever it shall appear that any of such Facts have been so stated, recited, or referred to on the Document so registered as an Affidavit under the said recited Act before the passing of this Act, but are not included in or under the Verification on Oath therein contained, it shall and may be lawful for the Creditor under any such Judgment, Decree, Order, or Rule, or for any Person entitled, whether legally or equitably, to the Sum payable in respect of the same, or any Part thereof, or for any Person who would then be entitled to register an Affidavit of such Judgment, Decree, Order, or Rule so theretofore sought to be registered as aforesaid, to make a supplemental Affidavit verifying any such Fact or Facts so theretofore stated, recited, or referred to as aforesaid, and to cause such supplemental

mental Affidavit to be attached to the original Affidavit so previously filed in reference to the same Judgment, Decree, Order, or Rule, which the Officer of the said Registry is hereby authorized and directed to do, on being paid the like Fees as are payable on the Registration of an Affidavit under the said recited Act; and such supplemental Affidavit, when so attached, shall have the like Operation and Effect as if the Facts so verified by same had been verified on Oath in such original Affidavit filed in respect of the same Judgment, Decree, Order, or Rule.

Effect of supplemental Affidavit.

II. No Title to Lands purchased under a Judicial Sale thereof heretofore made, in any Cause or Matter at the Suit of any Person or Persons, in respect of a Judgment, Decree, Order, or Rule, shall be impeached or affected by reason of such Defect as aforesaid in the Form of Affidavit founded on such Judgment, Decree, Order, or Rule, and registered in manner aforesaid, and no supplemental Affidavit shall be necessary to render the Registration thereof valid; provided that nothing herein contained shall operate to give Validity to any Registration under the said recited Act, where the original Affidavit filed for such Purpose shall have omitted to verify the Fact of the Seisin or Possession, or the Description of the Lands against which the Registration was intended to operate, in the Manner directed by the said recited Act; and provided also, that nothing herein contained shall affect the Validity of any Payment in full or Part Discharge of any such Judgment, Decree, Order, or Rule heretofore made.

Defect in Affidavit not to invalidate Titles under Judicial Sales.

Supplemental Affidavit not to supply, or cure Omissions.

No Payment to be invalid for Defect.

Judgments (Ireland) Act Amendment.

A

BILL

To amend an Act of the Thirteenth and Fourteenth Years of Her present Majesty, to amend the Laws concerning Judgments in Ireland.

(*Prepared and brought in by Mr. Attorney General for Ireland and Lord Naas.*)

Ordered, by The House of Commons, *to be Printed,* 1 *July* 1858.

[Bill 171.]

Under 1 *oz.*

(Ireland.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend an Act of the Thirteenth and Fourteenth Years of Her present Majesty, to amend the Laws concerning Judgments in Ireland.

WHEREAS by an Act passed in the Session of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to amend the Laws concerning "Judgments in Ireland," it was enacted, that the Provisions thereinbefore recited of the Acts of the Sixth Year of King William the Fourth and the Fourth Year of Her Majesty should not in anywise extend or be applicable to any Judgment entered up in any of Her Majesty's Superior Courts at Dublin, or obtained in any Inferior Court of Record, after the passing of the said Act, nor to any Decree, Order, or Rule made after the passing of the said Act, and no Writ of Elegit or Writ of Execution (save as therein-after mentioned) should issue or be sued upon any such Judgment, Decree, Order, or Rule, against any Lands, Tenements, or Hereditaments, or any Estate or Interest therein, nor should any Lands, Tenements, or Hereditaments, or any Estate or Interest, be charged or affected by any such Judgment, Decree, Order, or Rule, save as provided by the said Act: And whereas it was thereby further enacted, that where any Judgment

Preamble. 13 & 14 Vict. c. 2. s. 1.

ment should be entered up after the passing of the said Act in any of Her Majesty's Superior Courts at Dublin, or any Decree or Order in any Court of Equity, Rule in any Court of Common Law, or Order in Bankruptcy or Lunacy, to which the Effect of a Judgment in One of the Superior Courts of Common Law is given by the said Act of the Fourth Year of Her Majesty, should be made, after the passing of the said Act, or any Judgment, Rule, or Order should be obtained or made in or by any Inferior Court of Record, after the passing of the said Act, and should, under the Provisions of the Act of the Fourth Year of Her Majesty, therein recited, be removed into One of Her Majesty's Superior Courts of Record at Dublin, and the Creditor under any such Judgment, Decree, Order, or Rule should know or believe that the Person against whom such Judgment, Decree, Order, or Rule to be entered up, obtained, or made is seised or possessed, at Law or in Equity, of any Lands, Tenements, or Hereditaments of any Nature or Tenure, or has any disposing Power over any such Lands, Tenements, or Hereditaments which he might without the Assent of any other Person exercise for his own Benefit, and where any Judgment has been entered up before the passing of the Act hereby recited in any of Her Majesty's Superior Courts of Dublin, or any Decree or Order in any Court of Equity, Rule in any Court of Common Law, or Order in Bankruptcy or Lunacy, to which the Effect of a Judgment in One of the Superior Courts of Common Law is given by the said Act of the Fourth Year of Her Majesty, has been made before the passing of the now recited Act, or any Judgment, Rule, or Order has been obtained or made in or by any Inferior Court of Record before the passing of the now recited Act, and has been or should be, under the Provisions of the said Act of the Fourth Year of Her Majesty, removed into One of Her Majesty's Superior Courts at Dublin, and the Creditor, under any such Judgment, Decree, Order, or Rule, should know or believe that the Person against whom such Judgment, Decree, Order, or Rule may have been entered up, obtained, or made is seised or possessed as aforesaid over any Lands, Tenements, or Hereditaments which by virtue of the now recited Act are exempted from being taken in Execution under any Writ of Execution to be issued upon such Judgment, Decree, Order, or Rule, it should be lawful for such Creditor, at any Time, and from Time to Time, after the entering up or Removal of such Judgment in or into such Superior Court, or the making of such Decree, Order, or Rule, or the passing of the now recited Act, whichever should last happen, to make and file in the Superior Court in, by, or into which such Judgment, Rule, or Order may have been entered up, made, or removed, or in the Court of Equity by which such Decree or Order may have been made, or in case of such Order in Bankruptcy or Lunacy as aforesaid in the Court of Chancery in Ireland,

Ireland, an Affidavit stating the Name or Title of the Cause or Matter, and the Court in which such Judgment, Decree, Order, or Rule may have been entered up, obtained, or made, and the Date of such Judgment, Decree, Order, or Rule, and the Names, and the usual or last known Place of Abode, and the Title, Trade, or Profession of the Plaintiff (if there be such), and of the Defendant or Person whose Estate is intended to be affected by the Registration, as herein-after mentioned, of such Affidavit, and the Amount of the Debt, Damages, Costs, or Monies recovered or ordered to be paid by such Judgment, Decree, Order, or Rule, and stating that to the best of the Knowledge and Belief of the Deponent the Person against whom such Judgment, Decree, Order, or Rule may have been entered up, obtained, or made is at the Time of the swearing of such Affidavit so seised or possessed or has such disposing Power as aforesaid of or over such Lands, Tenements, or Hereditaments, and that such Affidavit should specify the County and Barony, or the Town or County of a City and Parish, or the Town and Parish, in which the Lands to which the Affidavit relates are situate, and where such Lands lie in Two or more Counties or Baronies, or Parishes or Streets, or partly in one Barony, Parish, or Street, and partly in another, the same shall be distinctly stated in such Affidavit; and that it should be lawful for the Creditor making such Affidavit to register the same in the Office for registering Deeds, Conveyances, and Wills in Ireland, by depositing in such Office an Office Copy of such Affidavit, and that such Copy should be numbered and transcribed, and be entered in the Book and Indexes kept in the said Office, in like Manner as if the same were a Memorial of a Deed; and for the Purpose of such Entries the Creditors under such Judgment, Decree, Order, or Rule should be deemed the Grantee, and the Debtor thereunder should be deemed the Grantor, and the Amount of the Debt, Damages, Costs, or Monies recovered or ordered to be paid thereby should be deemed the Consideration; and the like Fees should be paid on such Registration as in the Case of registering a Memorial of a Deed: And whereas it was thereby further enacted, that the Registration as aforesaid of such Affidavit should operate to transfer to and vest in the Creditor registering such Affidavit all the Lands, Tenements, and Hereditaments mentioned therein, for all the Estate and Interest of which the Debtor mentioned in such Affidavit should at the Time of such Registration be seised or possessed, at Law or in Equity, or might at such Time create, by virtue of any disposing Power which he might then without the Assent of any other Person exercise for his own Benefit, but subject to Redemption on Payment of the Money owing on the Judgment, Decree, Order, or Rule mentioned in such Affidavit; and that such Creditor, and all Persons claiming through or under him, should, in respect of such Lands, Tenements, and Hereditaments, or such

Estate or Interest therein as aforesaid, have all such Rights, Powers, and Remedies whatsoever as if an effectual Conveyance, Assignment, Appointment, or other Assurance to such Creditor of all such Estate or Interest, but subject to Redemption as aforesaid, had been made, executed, and registered at the Time of registering such Affidavit: And whereas for the Purposes of Registration under the said recited Act a Form of Affidavit has been generally adopted which purports to verify on Oath the Seisin or Possession and the Description of the Lands to be affected by such Registration, in manner directed by the said recited Act, but in which the Name or Title of the Cause or Matter, and the Court in which such Judgment, Decree, Order, or Rule has been entered up, obtained, or made, and the Date of such Judgment, Decree, Order, or Rule, and the Names, and the usual or last known Place of Abode, and the Title, Trade, or Profession of the Plaintiff (if there be such), and of the Defendant or Person whose Estate is intended to be affected by the Registration of such Affidavit, and the Amount of the Debt, Damages, Costs, or Monies recovered or ordered to be paid by such Judgment, Decree, Order, or Rule, or some One or more of such Facts appear or have been stated, recited, or referred to on the Face of such Affidavit, without being covered by a Verification on Oath: And whereas the Validity of Registration upon Affidavits in such Form has been questioned: And whereas the Omission to verify such Facts upon Oath has been general, and, unless some legislative Remedy be applied to such Cases, might lead to Confusion and Injustice if such Objections should be ultimately decided as valid: And whereas all Persons who have searched the said Registry must have had full Notice of such Facts, so far as same have been truly stated: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Creditor may file supplemental Affidavit as to certain Matters.

I. That wherever it shall appear that any of such Facts appear or have been so stated, recited, or referred to on the Document so registered as an Affidavit under the said recited Act before the passing of this Act, but are not included in or under the Verification on Oath therein contained, it shall and may be lawful for the Creditor under any such Judgment, Decree, Order, or Rule, or for any Person entitled, whether legally or equitably, to the Sum payable in respect of the same, or any Part thereof, or for any Person who would then be entitled to register an Affidavit of such Judgment, Decree, Order, or Rule so theretofore sought to be registered as aforesaid, on or before the First Day of July One thousand eight hundred and fifty-nine, to make and file, in addition to the original Affidavit in the Court in which such original Affidavit shall have been filed, a supplemental Affidavit

Affidavit verifying any such Fact or Facts so theretofore stated, recited, or referred to as aforesaid: Provided that in every supplemental Affidavit the Description and Residence or last known Place of Abode of the Defendant or Defendants as then known or existing shall be stated, and such Statement shall be deemed and taken as if the Description and Abode of the Defendant or Defendants had been verified in the original Affidavit to which such new Affidavit shall be supplemental, and to cause an Office Copy of such supplemental Affidavit to be attached to the Copy of the original Affidavit so previously deposited in reference to the same Judgment, Decree, Order, or Rule, which the Officer of the said Registry is hereby authorized and directed to do, on being paid the like Fees or Stamp Duty as are payable on the Registration of an Affidavit under the said recited Act; and such supplemental Affidavit, when so registered, shall have the like Operation and Effect as if the Facts so verified by same had been verified on Oath in such original Affidavit filed in respect of the same Judgment, Decree, Order, or Rule.

Effect of supplemental Affidavit.

II. No Title to Lands purchased under a Judicial Sale thereof heretofore made, in any Cause or Matter at the Suit of any Person or Persons, in respect of a Judgment, Decree, Order, or Rule, shall be impeached or affected by reason of such Defect as aforesaid in the Form of Affidavit founded on such Judgment, Decree, Order, or Rule, and registered in manner aforesaid, and no supplemental Affidavit shall be necessary to render the Registration thereof valid; provided that nothing herein contained shall operate to give Validity to any Registration under the said recited Act, where the original Affidavit filed for such Purpose shall have omitted to verify the Fact of the Seisin or Possession, or the Description of the Lands against which the Registration was intended to operate, in the Manner directed by the said recited Act; and provided also, that nothing herein contained shall affect the Validity of any Payment in full or Part Discharge of any such Judgment, Decree, Order, or Rule heretofore made.

Defect in Affidavit not to invalidate Titles under Judicial Sales.

Supplemental Affidavit not to supply, or cure Omissions.

No Payment to be invalid for Defect.

Clause A.

III. In the Construction of the said recited Act and this Act, the Word "Creditor" shall mean and include all Joint Stock Banking and other Companies and Corporate Bodies; and every Affidavit or Oath necessary to be made by any Creditor may be made by the public Officer authorized to sue or be sued, or to make Oaths on behalf of such Joint Stock Company, or by the Secretary, Deputy Secretary, or Law Agent of any Corporate Body; and where by the said recited Act or this Act any Creditor by Judgment, Decree, or Order is authorized to file an Affidavit or supplemental Affidavit as aforesaid, and where, from the Absence of such Creditor or other

Affidavits to be made by Agents, &c.

reasonable Cause, such Affidavit cannot be made by such Creditor, it may be made by such Person as the Court shall direct.

CLAUSE B. No Registration to be deemed invalid if Affidavit be made by One only of several Conusees.

IV. No Registration of any Judgment shall be deemed invalid by reason of the Affidavit directed by the said first-recited Act or this Act being or having been made by One only of several Conusees.

CLAUSE C. Subscription by Registrar of Memorandum of Satisfaction of Judgment to operate as a Retransfer to the Debtor.

V. And whereas by the Ninth Section of the said recited Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, it was enacted, that, upon the Lodgment in the Office for registering Deeds, Conveyances, and Wills therein mentioned, of the Certificate of the Entry of Satisfaction upon the Roll of any Judgment, the Registrar of the said Office should, where an Affidavit had been registered under the said Act in respect of such Judgment, cause a Memorandum of Satisfaction thereof to be subscribed to the Entry of such Affidavit in the Books kept at the said Office, but no Provision was therein made for revesting the legal Estate in the Lands, Tenements, and Hereditaments in the said Affidavit mentioned, in the Debtor in the said Act mentioned, and consequently such legal Estate remains still outstanding in the Creditor in the said Act mentioned, although the Debt due to him shall have been fully paid off: Be it enacted, That the Subscription by the said Registrar of the Memorandum of Satisfaction of the said Judgment to the Entry of any Affidavit which has been registered as in the said Ninth Section mentioned, shall, without further Deed or Conveyance, operate to retransfer to and revest in the Debtor in the said Act mentioned, or his or her Heirs or other legal Representative, all the Estate and Interest in all the Lands, Tenements, and Hereditaments which the said Creditor shall have acquired or derived by reason of the Registration of the Affidavit in the Seventh Section of the said Act mentioned.

Amendment.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend an Act of the Thirteenth and Fourteenth Years of Her present Majesty, to amend the Laws concerning Judgments in Ireland.

(*Prepared and brought in by Mr. Attorney General for Ireland and Lord Naas.*)

Ordered, by The House of Commons, *to be Printed*, 23 *July* 1858.

[Bill 234.]

Under 1 *oz.*

13 *April* 1858. 21 Vict.

(Ireland.)

A

BILL

TO

Consolidate and amend the Laws relating to Juries in Ireland.

WHEREAS it is expedient to consolidate and amend the Laws relating to Juries in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That— Preamble.

I. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Words shall have the respective Meanings herein-after assigned to them; (that is to say,) Interpretation.

"County" shall include City, County of a City, and County of a Town; "Court" shall mean the Superior Courts at Dublin, and all Courts of Assize, Nisi Prius, Oyer and Terminer and Gaol Delivery, Courts of General Sessions of the Peace, Recorders and Civil Bill Courts; "Sheriff" shall include Under Sheriff.

II. This Act may be cited as "The Juries (Ireland) Act, 1858." Short Title.

III. From and after the *Commencement of this Act*, no Sheriff or other Officer shall in answer to any Precept return the Name of any Sheriff to return Jurors according to this Act.

any Person to serve as a Juror save pursuant to the Provisions of this Act.

Qualification of Jurors. 3 & 4 W. 4. c. 91. s. 1. 6 G. 4. c. 50. ss. 1, 2. 35 G. 3. c. 29. 37 G. 3. c. 47. 10 G. 4. c. 8. 13 & 14 Vict. c. 69.

IV. Every Man, being a natural-born Subject of the Queen, between the Ages of *Twenty-one* Years and *Sixty* Years, residing in any County in Ireland, who shall be, either in his own Name or as a Member of a Firm or Copartnership, rated for the Relief of the Poor in respect of Property within such County of the yearly Value of *Twenty Pounds* or upwards, or whose Name shall appear in the List for the Time being of Parliamentary Voters for such County or any Borough within such County as a Freeholder, or Lessee or Assignee of a Lease of any Lands, Tenements, or Hereditaments of the yearly Value of *Twenty Pounds* or upwards, shall be qualified as to Property, and liable (save as herein-after exempted or disqualified) to serve as Jurors of the said County for the Trial of all Issues, Civil and Criminal, and on Grand Juries in the Courts of General Sessions of the Peace, and on every Inquest or Inquiry to be taken or made in such County by or before any Sheriff or Coroner, or by or before any Commissioner appointed under the Great Seal or the Seal of the Court of Exchequer: Provided always, that for the Purpose of this Act, as regards any City, County of a City, or County of a Town, any such Person as aforesaid shall be deemed to be resident therein who shall have or occupy a Counting-house, Office, or Place of Business or Resort in such City, County of a City, or County of a Town, rated to the Amount aforesaid, although such Person may not actually reside therein, provided that he reside within *Seven* Statute Miles of the Court-house of such City, County of a City, or County of a Town, and in the County of the City of Dublin, within a like Distance of the Queen's Courts in Dublin, to be computed by the nearest public Roads or Way.

Exemptions from serving on Juries. 3 & 4 W. 4. c. 91. s. 2.

V. Peers and Privy Councillors; Judges of the Queen's Courts of Record; Clergymen and Persons who shall teach or preach in any Religious Congregation; Barristers at Law, actually practising; Assistant Barristers; Judges of Ecclesiastical Courts; Attorneys and Solicitors, actually practising, and having duly taken out their annual Certificates; Officers of any Court, actually exercising the Duties of their respective Offices; Public Notaries duly admitted; Coroners, Gaolers, and Keepers of Houses of Correction; Members and Licentiates of the King and Queen's College of Physicians in Ireland, actually practising, and all other Physicians, actually practising; Surgeons, being Members of One of the Royal Colleges of Surgeons in London, Edinburgh, or Dublin, or of the University of Dublin, or of the Queen's University in Ireland, and actually practising; Apothecaries certified by the Court of Examiners of the Governor and

and Company of the Apothecaries Hall of the City of Dublin, and actually practising; Officers in Her Majesty's Navy or Army on Full Pay or serving in the Militia; Officers of Customs and Excise; Masters of Vessels; and Pilots licensed under any Act of Parliament or Charter for the Regulation of Pilots in any Port; stipendiary or paid Magistrates; Officers of Police, Sheriffs Officers, Police Constables, Parish Clerks, Clerks of Petty Sessions; Postmasters General and their Deputies, and all other Persons employed and acting in the Service of Her Majesty's Post Office; Treasurers and Secretaries of Grand Juries; Persons holding any Appointment in or connected with the Constabulary or Police Forces in Ireland; County Surveyors and their Assistants and Clerks; Inspectors of Prisons in Ireland; Inspectors and Sub-Inspectors of Factories in Ireland; and all Publicans and other Persons licensed to sell Spirits by Retail to be consumed on the Premises, are hereby absolutely freed and exempted from being returned and from serving upon any Juries or Inquests whatsoever, and shall not be inserted in the Lists to be prepared by virtue of this Act as herein-after mentioned: Provided always, that nothing herein contained shall be construed to exempt Persons appointed Commissioners for taking Affidavits in any of the Superior Courts of Law or Equity from serving as Jurors if they are in other respects qualified; and that all Persons exempted from serving upon Juries by virtue of any Prescription, Charter, Grant, Writ, or particular Local Acts, shall continue to have and enjoy such Exemption in as ample a Manner as before the passing of this Act.

2 & 3 Vict. c. 75. s. 22. 6 & 7 W. 4. c. 116. s. 44. 7 & 8 Vict. c. 15. s. 2.

VI. Every Town Clerk of a Borough shall be disqualified from serving on any Jury summoned within such Borough, save and except the Juries summoned for an Assize or Gaol Delivery.

3 & 4 Vict. c. 108. s. 180. Town Clerk, &c. disqualified.

VII. No Justice of the Peace shall be summoned or impanelled as a Juror to serve at any Sessions of the Peace for the Jurisdiction of which he is a Justice.

See 6 G. 4. c. 50. s. 48. 3 & 4 W. 4. c. 91. s. 38.

VIII. No Man who hath been or shall be attainted or convicted of any Treason or Felony, or of any Crime that is infamous, unless he shall obtain a free Pardon, nor any Man who is under Outlawry by virtue of any Criminal Process, nor any Man who shall have been convicted within *Seven* Years of any Offence against the Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King William the Fourth, Chapter Forty-four, or of any Whiteboy Offence or Crime resulting from illegal Combination, and who have undergone Punishment, is or shall be qualified to serve on Juries or Inquests in any Court or on any Occasion whatsoever.

Convicts or Outlaws, &c. disqualified. 3 & 4 W. 4. c. 91. s. 3. 6 G. 4. c. 50. s. 3.

Juries de medietate Linguæ. 3 & 4 W. 4. c. 91. s. 37. 6 G. 4. c. 50. s. 47.

IX. Nothing herein contained shall deprive any Alien charged with any Felony or Misdemeanor of the Right of being tried by a Jury de medietate Linguæ: On the Prayer of every Alien so charged, the Sheriff or other proper Officer shall, by Command of the Court, return for *One Half* of the Jury a competent Number of Aliens, if so many there be in the Place where the Trial is had, and if not then so many Aliens as shall be there found; and such Alien Jurors shall not be liable to be challenged for Want of Qualification.

"General List of Jurors and Jurors Books."

X. Each Clerk of a Poor Law Union in Ireland shall make out from the Rate Books of his Union, and transmit to the Clerk of the Peace of each County into which any Part of such Union extends, between the *First Day of October* and *First Day of November* in every Year, a List, in alphabetical Order, of every Man appearing therein to be qualified and liable to serve on Juries, pursuant to the Provisions of this Act, and such List shall be in the Form specified in Schedule (A.) to this Act annexed; and each Clerk of the Peace, on or before the *First Day of December* in each Year, shall cause to be made out from the said Lists and from the revised Lists of Parliamentary Voters One general printed List of all Persons in his County qualified and liable to serve as Jurors according to the Provisions of this Act, and which List when so made shall be called "The General List of Jurors," and shall be according to the Form (2.) in Schedule (A.) to this Act annexed, and shall contain in proper Columns the Christian Name and Surname written at full Length, the true Place of Abode, the Title, Quality, Calling, or Business, annual Value of Freehold or Leasehold, or Amount of Rating, and the Townland or Denomination, Street, Lane, and the Place where the Property is situated, or Name of the Property in respect of which such Person has been rated to the Relief of the Poor; and such List shall at the Foot of each Page thereof, and also at the Foot thereof, be signed by the Clerk of the Peace under his Hand, and shall be kept among the Records of the County; and such Clerk of the Peace or his Deputy shall allow such List to be inspected at all reasonable Times in his Office, without Fee or Reward; and the Clerk of the Peace shall cause such "General List of Jurors" to be truly and fairly copied, in the same Order in which the Names shall be arranged in the said "General List," in a Book to be by him provided for that Purpose at the Expense of the County, and shall on or before the *Eighteenth Day of December* in each Year deliver the same Book to the Sheriff of the County, duly certified by such Clerk of the Peace, which Book shall be called "The Jurors Book" for the Year . . . . . (inserting the current Year for which such Book is to be in use), and every Sheriff on quitting his Office shall deliver the same to the succeeding Sheriff; and every "Jurors Book" so prepared shall be brought into use

Clerk of the Peace to prepare General Lists.

See 8 & 9 Vict. c. 67. s. 3.

See 3 & 4 W. 4. c. 91. s. 11. 6 G. 4. c. 50. s. 12.

General List of Jurors to be copied into a Book to be called "The Jurors Book," to be

use on the *First Day of February* after it shall have been so delivered by the Clerk of the Peace or his Deputy to the Sheriff or his Under Sheriff, and shall be used for *One Year* then next following. delivered to the Sheriff.

XI. Each Clerk of the Peace shall, as soon as he has made out the said "General List of Jurors," make out a List, in alphabetical Order, of the Names of all Persons in such "General List of Jurors" who are Sons of Peers, and all Baronets, Knights, Magistrates, Persons who have served the Office of Sheriff or Grand Juror, Bankers, Wholesale Merchants who do not exercise any Retail Trade, and every Person appearing in such General List either as having Freeholds of the annual Value of not less than *Fifty Pounds*, or as being himself, or as a Member of a Firm or Copartnership, rated to the Relief of the Poor in respect of Lands, Tenements, and Hereditaments of the net annual Value of not less than *Fifty Pounds*, and shall prefix to every Name in such List its proper Number, and which List when so made out shall be called "The General List of Special Jurors," and shall be according to the Form in Schedule (B.) to this Act annexed, and shall contain in proper Columns the Christian Name and Surname, written at full Length, the true Place of Abode, the Title, Quality, Calling or Business, Value of Freehold, or Amount of Rating, and the Townland or Denomination, Street, Lane, and Place where the Property is situated, and such "List" shall at the Foot thereof be signed by the Clerk of the Peace or his Deputy, under his Hand, and shall be kept amongst the Records of the County; and the Clerk of the Peace shall cause such "General List of Special Jurors" to be duly and fairly copied into a Book to be by him provided for that Purpose at the Expense of the County, and shall on or before the *Eighteenth Day of December* in each Year deliver the same to the Sheriff of the County, duly certified by such Clerk of the Peace, which Book shall be called "The Special Jurors Book" for the Year (inserting the Year for which it is to be used), and every Sheriff on quitting his Office shall deliver the same to the succeeding Sheriff; and every "Special Jurors Book" so prepared shall be brought into use on the *First Day of February* after it shall be so delivered by the Clerk of the Peace to the Sheriff or his Under Sheriff, and shall be used for *One Year* then next following. "Special Jury List" and "Special Jurors Book." See 3 & 4 W. 4. c. 91. s. 24.

XII. If the said "General List of Jurors," "Jurors Book," "General List of Special Jurors," or "Special Jurors Book" shall be found to contain any Name which ought not or to omit any Name which ought to appear therein, it shall be lawful for Her Majesty's Court of Queen's Bench in Dublin, or any Judge of the said Court, or for the Assistant Barrister of any County for which such Lists shall have been so formed, upon Complaint thereof made to the said Court The Court of Queen's Bench or any Judge thereof or Assistant Barrister empowered to correct the said

Lists and Books. See 8 & 9 Vict. c. 67. s. 4.

Court, Judge, Recorder, or Assistant Barrister, to order the said Sheriff or Under Sheriff, and the Clerk of the Peace or Town Clerk, or Clerk of Union respectively, to produce the said Documents or any other Documents (according to the Nature of the Complaint) to the said Court or Judge; and if upon Inspection any such Error shall be found in the said "General List of Jurors," "General List of Special Jurors," or "Jurors Book," or "Special Jurors Book," the said Court or Judge shall order the same to be amended, and such Amendment shall be forthwith made and signed by the said said Sheriff or Under Sheriff and Clerk of the Peace, in the Presence of the said Court or Judge.

Persons over Sixty Years may apply to have their Names struck out.

XIII. It shall be lawful for any Person whose Name shall have been inserted in any Jurors Book formed under the Provisions of this Act, being then above the Age of *Sixty* Years, or otherwise exempted from serving on Juries under the Provisions of this Act, to apply to Her Majesty's Court of Queen's Bench in Dublin, or any Judge of the said Court, or to the Court of the Assistant Barrister for the County for which such Jurors Book shall have been so formed, that such Person's Name may be removed from such Jurors Book, on the Ground that such Person was above *Sixty* Years of Age, or otherwise entitled to Exemption, when his Name was so inserted therein; and if the said Court or Judge shall, on the Oath or Affidavit of such Person, or otherwise, be satisfied that such Person was above *Sixty* Years of Age, or otherwise entitled to Exemption, at the Time when his Name was so inserted in such Jurors Book, it shall be lawful for such Court to make an Order in Writing directing the Sheriff of such County to expunge such Person's Name from such Jurors Book, and such Sheriff shall expunge the same accordingly: Provided also, that so long as such Person's Name shall be and remain in such Jurors Book, and such Book shall be in force, the Fact of his being above the Age of *Sixty* Years or otherwise entitled to Exemption shall not be deemed a legal Ground for such Person claiming Exemption or being exempt from serving on any Jury, and shall not be a legal Ground of Objection, by Challenge or otherwise, to such Person's serving on any Jury.

Grand Juries to present the Expenses of Lists and Jurors Books. See 8 & 9 Vict. c. 57. s. 6.

XIV. It shall be lawful for the Grand Jury of each County, and for every Town Council empowered to make Presentments, as the Case may be, from Time to Time, at the next ensuing Assizes or Presenting Term, and they are hereby required, without previous Application at Presentment Sessions or otherwise, to present such Sum of Money as they shall deem reasonable for defraying the Expense

Expense of making all such Lists and Books as are hereby directed to be made.

Judges of Assizes, &c. to issue Precept to the Sheriff to summon Jurors.

XV. The Judges of Assize, Judges under a Commission of Oyer and Terminer, Assistant Barristers, Chairman of the General Sessions of the Peace, and Recorders, other than the Recorder of Dublin, shall issue a Precept to the respective Sheriffs, requiring them to summon for the Trial of all Issues, whether Civil or Criminal, which may come on for Trial at the Assizes or General Sessions of the Peace or other Sittings, a sufficient Number of the Persons named in the "Jurors Book," selecting, so far as may be practicable, the Names of such Jurors as shall not have been summoned and attended as such at any Assizes within the last preceding *Twelve* Months, or at any Sessions or other Sittings within the last preceding *Six* Months; and such Jurors shall be summoned in manner herein-after mentioned to form One Panel, and to serve indiscriminately on the Criminal and Civil Side; and a printed Panel of the Jurors summoned shall, *Seven* Days before the Commission Day and First Day of such General Sessions or Sittings (as the Case may be), be made by the Sheriff, and kept in the Office of the Sheriffs and of the respective Returning Officers in Dublin, for Inspection; and a printed Copy of such Panel shall be delivered by the Sheriff or Under Sheriff to any Party requiring it, on Payment of *One Shilling*.

See 16 & 17 Vict. c. 113. s. 109.

See 6 G. 4. c. 50. s. 22.

16 & 17 Vict. c. 113. s. 110.

Sheriff of the County and City of Dublin to summon a sufficient Number of Jurors Seven Days before their Attendance is required.

XVI. The Sheriffs of the County of Dublin and County of the City of Dublin respectively shall, pursuant to a Precept under the Hand of a Judge of any of the Superior Courts of Common Law, and, when required for the Recorder's Court, under the Hand of the Recorder of the City of Dublin, and without any other Authority, summon a sufficient Number of the Persons named in the Jurors Book for the County of Dublin and the said County of the City of Dublin respectively, at least Days before they shall be required, to attend for the Trial of all Issues, Civil and Criminal, to be tried in the Superior Courts of Common Law and the Consolidated Nisi Prius, or in the Court of Commission of Oyer and Terminer, and Recorder's Court of the City of Dublin; and the Names of such Jurors shall be selected from the respective "Jurors Book" by the said respective Sheriffs, who shall, so far as may be practicable, return the Names of such Jurors as shall not have been summoned and attended at any Sittings, Commission, or Sessions, within *Six* Months last preceding; and all such Jurors shall be summoned in the Manner herein-after mentioned; and a printed Panel of the Jurors summoned shall, *Seven* Days before the Day fixed for their Attendance, be made by the said respective Sheriffs of the County of Dublin and County of the City of Dublin, and kept in their

See 16 & 17 Vict. c. 113. s. 111.

their Offices for Inspection; and a printed Copy of such Panel shall be delivered to any Party requiring it, on Payment of *One Shilling;* and One Precept shall suffice for each Term or Sittings after, or Commission of Oyer and Terminer, in such County or County of the City of Dublin, or Recorder's Court, and for all the Superior Courts of Common Law.

Sheriff to procure Precept. See 16 & 17 Vict. c. 113. s. 111.

XVII. It shall be the Duty of all Sheriffs to apply for and procure such Precepts to be issued in sufficient Time to enable them to summon the Jurors in manner aforesaid; and it shall be lawful for the said several Courts or any Judge thereof at any Time to issue such Precept or Precepts to summon Jurors for disposing of the Business pending in such Courts, and to direct the Time and the Place for which such Jurors shall be summoned, and all such other Matters as to such Judge shall seem requisite.

Precept to summon Special Jurors in Counties, &c. See 16 & 17 Vict. c. 113. s. 112.

XVIII. Every Precept issued for a Special Jury shall direct the Sheriff to summon a sufficient Number of Special Jurymen, to be mentioned therein, not exceeding in Country Cases *Forty-eight* in all, to try the Special Jury Causes at the Assizes or in the several Superior Courts of Common Law in Dublin respectively; and the Special Jurymen to be summoned in pursuance of such Precept shall be selected by the Sheriff from the Special Jurors Book in like Manner as the Sheriff is herein-before directed to select Common Jurors, and shall be summoned in like Manner as Common Jurors; and the Persons summoned in pursuance of such Precept shall be the Jury for trying the Special Jury Cases at the Assizes or After-sittings respectively, subject to such Right of Challenge as the Parties are now by Law entitled to in the like Cases, and subject to the like Liability as to the Payment of the Costs of obtaining such Special Jury; and a printed Panel of the Special Jurors so summoned shall be made, kept, delivered, and annexed to the Abstract of Nisi Prius, in like Time and Manner and upon the same Terms as herein-before provided with reference to the Panel of Common Jurors; and upon the Trial the Special Jury shall be balloted for and called in the Order in which they shall be drawn from the Box, in the same Manner as Common Jurors.

Special Juries may be struck according to old Practice. See 3 & 4 W. 4. c. 91. s. 25.

XIX. The Court or a Judge may order that a Special Jury be struck in the Manner herein-after mentioned; (that is say,) within *Three* Days after the Rule of the Court or Judge directing such Special Jury to be struck shall have been served on the Sheriff, such Sheriff shall deliver to the Officer of the Court by which such Order shall have been made a correct Copy of the "Special Jurors Book;" and the said Officer, at the Time and Place appointed by him for that

that Purpose, shall cause the several Numbers prefixed to each Name in said Book to be written on distinct Pieces of Parchment or Cards, and shall, in the Presence of all Parties and of their Attorneys, if they choose to attend, or if the said Parties or their Attorneys, all or any of them, do not attend, then in their Absence, put all the said Numbers into a Box, to be by him provided for that Purpose, and after having shaken them together shall draw out of the said Box *Twenty-four* of the said Numbers, one after another, and shall, as each Number is drawn, refer to the corresponding Number in the said Copy of such "Special Jurors Book," and read aloud the Name designated by such Number; and if at the Time of so reading any Name either Party or his Attorney shall object that the Person whose Name shall have been so referred to is in any Manner incapacitated from serving on the same Jury, or otherwise legally objectionable, and shall also then and there prove the same to the Satisfaction of the said Officer, such Name shall be set aside, and the said Officer shall instead thereof draw out of the said Box another Number, and shall in like Manner refer to the corresponding Number in the said Copy of such "Special Jurors Book," and read aloud the Name designated thereby, which Name may be in like Manner set aside, and other Numbers and Names shall in every such Case be resorted to, according to the Mode of Proceeding hereinbefore described, for the Purpose of supplying Names in the Places of those set aside, until the whole Number of *Twenty-four* Names not liable to be set aside shall be completed; and if in any Case it shall so happen that the whole Number of *Twenty-four* Names cannot be obtained from the "Special Jurors Book," then and in that Case the said Officer shall fairly and indifferently take, according to the Mode of Nomination heretofore pursued in nominating Special Juries, such a Number of Names from the "General Jurors Book," which such Sheriff is hereby required to produce, if called upon to do so, by such Officer, as shall be necessary to make up the full Number of *Twenty-four* Names, all and every of which *Twenty-four* Names shall in such Case be equally deemed and taken to be those of Special Jurors; and the said Officer shall afterwards make out for each Party a List of the *Twenty-four* Names in the Order in which they shall have been drawn as aforesaid, together with their respective Places of Abode and Additions; and all other Matters whatsoever relating to Special Juries shall remain and continue in force as heretofore, except where the same or any Part thereof are expressly altered in this Act.

No Jury Process. Precept to summon Jurors.

XX. No Jury Process shall be necessary or used in any Action, or on any Issue pending on the Crown Side of the Court of Queen's Bench. The Precept issued to the Sheriff to summon Jurors shall direct that the Jurors be summoned for the Trial of all Issues,

See 16 & 17 Vict. c. 113. s. 109.

whether Civil or Criminal, which may come on for Trial at the Courts, and the Jurors shall be thereupon summoned in manner herein-after mentioned; and every Summons requiring the Attendance of any Juryman, Common or Special, shall be duly and properly filled and signed by the Sheriff.

Summons of Jurors to be signed by the Sheriffs.

Superior Courts to have the Power of ordering Special Juries to be struck. 3 & 4 W. 4. c. 91. s. 23.

XXI. It is and shall be lawful for Her Majesty's Superior Courts in Ireland respectively, upon Motion made on behalf of the Queen, or upon the Motion of any Prosecutor, Relator, or Traverser, in any Criminal Case or on any Penal Statute (except only Indictments for Treason or Felony), depending in any of the said Courts, and the said Courts and Judges respectively are hereby authorized in any of the Cases before mentioned to order and appoint a Special Jury to be struck before the proper Officer of each respective Court, for the Trial of any Issue joined in any of the said Cases, and triable by a Jury, in such Manner as herein directed for the striking of Special Juries, and every Jury so struck shall be the Jury returned for the Trial of such Issue; and the Plaintiff or Defendant in any Action shall be entitled to have the Cause tried by a Special Jury, upon giving Notice in Writing to the opposite Party of his Intention that the Cause shall be so tried *Six* Days before the First Day of the After-sittings or Assizes respectively; provided that the Court or Judge may at any Time order that a Cause shall be tried by a Special Jury, upon such Terms as shall seem fit.

See 16 & 17 Vict. c. 113. s. 113.

Costs of Special Juries. See 3 & 4 W. 4. c. 91. s. 27.

XXII. The Party who shall apply for a Special Jury shall pay all the Expenses occasioned by the Trial of the Cause by Special Jury, and shall not have any other Allowance for the same upon Taxation of Costs than such Person or Party would be entitled unto in case the Cause had been tried by a Common Jury, unless the Judge before whom the Cause is tried shall immediately after the Trial certify under his Hand upon the Back of the Record that the same was a Cause proper to be tried by a Special Jury.

Remedy where Notice of Special Jury is given for Delay. See 16 & 17 Vict. c. 113. s. 114.

XXIII. The Court or a Judge, if satisfied that such Notice to try by a Special Jury is for the Purpose of Delay, may order that the Cause be tried by a Common Jury, or make such other Order as to the Trial of the Cause as such Court or Judge shall think fit.

Notice to Sheriff of Trial by Special Jury. See 16 & 17 Vict. c. 113. s. 115.

XXIV. Where Notice has been given to try by Special Jury, either Party may, *Five* Days before the First Day of the Sittings in Dublin, or Commission Day of the Assizes, or Court of Oyer and Terminer and Gaol Delivery, give Notice to the Sheriff that the Cause, whether Civil or Criminal, is to be tried by a Special Jury; and in case no such

such Notice be given, or the Notice has not been given in sufficient Time, no Special Jury need be summoned, and the Cause may be tried by a Common Jury, unless otherwise ordered by the Court or a Judge.

View Jurors. See 3 & 4 W. 4. c. 91. ss. 16. and 17. 16 & 17 Vict. c. 113. s. 116.

XXV. A Writ or Clause of View shall not be necessary or used; but whether the View is to be had by a Common or Special Jury, it shall be sufficient to obtain a Rule of the Court or a Judge's Order directing a View to be had, and directing the Sheriff to have *Six* or more of the Jurors named in the Panel chosen by Consent, or, if the Parties cannot agree, nominated by the proper Officer of the Court, at the Place in question, some convenient Time before the Trial; and the Viewers shall have the Place shown to them by Two Persons to be named in the Order, and to be appointed by the Court or Judge; and the Sheriff, on Request, shall deliver to either Party the Names of the Viewers, and shall also return their Names to the Registrar or other Officer of the Court, for the Purpose of their being called as Jurymen upon the Trial.

Sheriff not to return any Names not in the "Jurors Book," &c.

XXVI. The Sheriff or other Officer shall not in any Answer to any Precept for the Return of Jurors return the Names of any Persons not contained in the "Jurors Book" or "Special Jurors Book" for the Year then current: Save in the Case of Aliens summoned on a Jury de medietate Linguæ, and where a Precept for returning a Jury shall be directed to any Coroner, Elizor, or other Officer, he shall have free Access to the "Jurors Book" and "Special Jurors Book" for the current Year: Provided always, that if there be no "Jurors Book" or "Special Jurors Book" in existence for the current Year, it shall be lawful to return Jurors from the "Jurors Book" or "Special Jurors Book" for the Year last preceding for which there shall have been a "Jurors Book" duly made; and if it shall happen that any Person not in the "Jurors Book" shall be returned, and any Trial shall proceed, and a Verdict be found, without any Objection to any such Person as a Juror, such Trial shall not be deemed a Mis-Trial, nor shall the Verdict thereon be impeached or questioned on account of the Return of such Juror.

Jurors Summons. See 3 & 4 W. 4. c. 91. s. 18.

XXVII. The Summons of every Man to serve on Juries, Common or Special, in any of the Courts aforesaid, shall be made by the proper Officer *Four* Days at the least before the Day on which the Juror is to attend, by showing to the Man to be summoned, or, in case he shall be absent from the usual Place of his Abode, by leaving with some Person there inhabiting, a Copy under the Hand of the Sheriff or other proper Officer of such Summons.

Book to be kept by Summoning Officer.

XXVIII. A Book or Books shall be kept by every such Summoning Officer, in which shall be truly entered the Names of every Person so to be summoned, the Day on which such Summons shall be received to be served, the Day on which the same shall be served, and the Name or Description of the Person on or with whom such Summons shall be served or left, and in case any such Summons shall not have been duly served or left, then the Cause of Service of such Summons not having been effected shall be stated; and such Officer shall attend, and produce such Book to the Court at the Sitting thereof, and verify the same upon Oath, or shall cause such Book to be produced to the Court, in case of the unavoidable Absence of such Officer; and in case of the Death, Illness, or such Absence as aforesaid of such Officer, the Book of such Officer, kept by him as aforesaid, verified on Oath as to his Handwriting by some credible Person, shall be produced to the Court, and shall then be primâ facie Evidence of the Truth of the several Matters entered therein as aforesaid; and if any such Officer shall neglect to keep such Book, or to make such Entries therein as aforesaid, or to attend the Court, or to produce or verify when called on, or to cause to be produced, the said Book, as herein-before provided, every Person so offending may be fined by the Court to any Amount not exceeding *Ten Pounds* for every such Omission or Neglect.

Penalty on defaulting Jurors. 3 & 4 W. 4. c. 91. s. 32.

XXIX. If any Man, having been duly summoned to attend on any Jury, shall not attend in pursuance of such Summons, or being thrice called shall not answer to his Name, or if any such Man, or any Talesman, after having been called, shall be present but not appear, or after his Appearance shall wilfully withdraw himself from the Presence of the Court, the Court shall set such Fine not exceeding the Sum of *Fifty Pounds* upon every such Man or Talesman so making default (unless some reasonable Excuse shall be proved by Oath or Affidavit) as to the Court shall seem meet: Provided always, that where any Viewer, having been duly summoned to attend on any Jury, shall make default as aforesaid, the Court is hereby authorized and required to set upon such Viewer (unless some reasonable Excuse shall be proved as aforesaid) a Fine to the Amount of *Ten Pounds* at the least, and as much more as the Court under the Circumstances of the particular Case shall think proper.

Names of Jurors to be balloted for. See 3 & 4 W. 4. c. 91. s. 19.

XXX. The Name of each Man who shall be impanelled, either as a Common or Special Juror, to try any Issue, Civil or Criminal, in any of the Courts, with the Place of his Abode and Addition, shall be written on a distinct Piece of Parchment or Card, all as nearly as may be of an equal Size, which shall be delivered unto the Clerk or Registrar of the Judge who is to try the Cause by the Sheriff

or

or other Officer returning the Process, and shall, by Direction and Care of such Clerk or Registrar, be put together in a Box to be provided for that Purpose; and when any Issue, Civil or Criminal, shall be brought on to be tried, such Clerk or Registrar shall in open Court draw out *Twelve* of the said Parchments or Cards, one after another, after having shaken them together, or, where any View shall have been directed and had as aforesaid, so many as, together with the Viewers who shall appear and shall be sworn, shall be sufficient to make up the Number of *Twelve*; and if any of the Men whose Names shall be so drawn shall not appear, or shall be challenged and set aside, then such further Number, until *Twelve* Men, or such other Number as, together with such Viewers so appearing and sworn as aforesaid, shall make up the Number of *Twelve*, be drawn, who shall appear, and who, after all just Causes of Challenge allowed, shall remain as fair and indifferent; and the said *Twelve* Men being sworn, and their Names being marked in the Panel, shall be the Jury to try the Issue; and the Names of the Men so drawn and sworn shall be kept apart by themselves until such Jury shall have given in their Verdict, and the same shall be recorded, or until such Jury shall, by Consent of the Parties, or by Leave of the Court, be discharged, and then the same Names shall be returned to the Box, there to be kept with the other Names remaining at that Time undrawn, and so toties quoties as long as any Issue remains to be tried; and if any other Issue be brought on to be tried in any of the said Courts before such Jury shall have brought in their Verdict or been discharged, the Jury to try such other Issue shall be balloted for, selected, and drawn in manner aforesaid from the remaining Names; and in all Cases of Indictment for any Treason or Felony the Clerk or Registrar shall draw out of the Box *Fifty-two* of such Parchments or Cards, or if any of the Men whose Names shall be so drawn shall not appear, or shall be challenged for a Cause, then such further Number until *Fifty-two* be drawn who shall appear, and thereupon the Names of such Jurors shall be called over a Second Time in the Order in which they were drawn from such Box.

Peremptory Challenges.

XXXI. Persons indicted for Treason or Felony shall be admitted to challenge peremptorily *Twenty* of such Jurors, and no more, and those who prosecute for the Crown shall be admitted to challenge peremptorily *Twenty* of such Jurors, and no more; and every Person not so challenged shall be sworn on such Jury until *Twelve* have been sworn, who shall be the Jury to try such Cause; and in all such Cases of Treason or Felony the Right heretofore claimed and exercised by those that prosecute for the Crown, of ordering Jurors to stand by until the Panel shall be gone through, shall not henceforth be admitted: Provided that in any Case of Treason or Felony, where more Persons than One shall be

put upon Trial together, and shall not consent to join in their Challenges, then the Clerk or Registrar shall in every such Case draw out of the Box a sufficient Number of such Parchments or Cards to permit each of such Parties so indicted to exercise his Right of peremptory Challenge to the Number of Twenty, and those who prosecute for the Crown to a like Number, as and for each of such Persons.

On Consent of Parties, the same Jury may try any other Issue, &c. without fresh Ballot.

XXXII. When both Parties shall consent thereto, it shall be lawful for the Court to try any Issue, Civil or Criminal, with the same Jury that shall have previously tried or been drawn to try any other Issue, without their Names being returned to the Box and redrawn, or to order the Name or Names of any Man or Men on such Jury whom both Parties may consent to withdraw, or who may justly be challenged or excused by the Court, to be set aside, and another Name or other Names to be drawn from the Box, and to try the Issue with the Residue of such original Jury, and with such Man or Men whose Name or Names shall be so drawn, and who shall appear and be approved as indifferent, and so toties quoties as long as any Issue remains to be tried.

No Challenge for Want of Qualification, or for Want of a Knight, or Jury duly summoned.

XXXIII. If any Man shall be returned as a Juror for the Trial of any Issue, Criminal or Civil, whose Name shall be on the Jurors Book, Want of Qualification shall not be a good Cause of Challenge, nor shall any Challenge be taken to any Panel of Jurors for Want of a Knight being returned on such Panel, or on the Ground that the Jurors or any of them were not duly summoned.

Courts may direct Tales. See 3 & 4 W. 4. c. 91. s. 28.

XXXIV. Where a full Jury shall not appear, or where, after Appearance of a full Jury, by Challenge of any of the Parties the Issue is likely to remain untaken for Default of Jurors, the Court, upon Request made for the Queen by any one thereto authorized, in Cases of Criminal Prosecutions as aforesaid, or on Request made by the Parties, Plaintiff or Defendant, or their respective Attorneys, in any Action or Suit, shall command the Sheriff or other proper Officer to name and appoint, as often as Need shall require, *Twelve* other able Men of the County then present, and the Sheriff or other Officer aforesaid shall at such Command of the Court return *Twelve* such Men who shall be present or can be found to serve on such Jury, and shall add and annex their Names to the former Panel; provided that where a Special Jury shall have been struck for the Trial of any Issue the Talesmen shall be such as shall be upon the "Special Jury List," if a sufficient Number of such Men can be found, and if not, then such as shall be upon the Common Jury List; and the Names of the Persons so to be returned, with their Additions and Places of Abode, shall be written

written on several distinct Pieces of Parchment or Card, being all as near as may be of equal Size, and shall be delivered to the Clerk or Registrar of the Judge before whom such Issue is to be tried, by the Sheriff or other Officer, and shall by the Direction and Care of such Clerk or Registrar be rolled up as near as may be in the same Manner, and put together in a Box or Drawer, and shaken together, and the said Clerk or Registrar or other indifferent Person, by Direction of the Court, in open Court, shall draw out such Pieces of Parchment or Card one after another until a Number shall appear which shall be sufficient, with those of the original Panel who appear, to make up the Number of *Twelve*, who shall be the Jury to try such Issue; and the Queen, by any one so authorized or assigned as aforesaid, and all and every the Parties aforesaid, shall and may, in each of the Cases aforesaid respectively, have their respective Challenges to the Jurors so added and annexed; and the Court shall proceed to the Trial of every such Issue with those Jurors who were before impannelled, together with the Talesmen so newly added, as if all the said Jurors had been returned upon the Precept awarded to try the Issues.

Sheriff, &c. not to ask or take any Money, &c. to excuse any Person from serving.

XXXV. No Sheriff, Coroner, Elisor, Bailiff, or other Officer or Person whomsoever, shall directly or indirectly ask, solicit, take, or receive any Money or other Reward, or Promise of Money or Reward, or any Consideration whatsoever, or the Promise of any Consideration, to excuse any Man from serving or from being summoned to serve on Juries, or under any such Colour or Pretence; and no Bailiff or other Officer appointed by any Sheriff, Coroner, or Elisor to summon Juries shall summons any Man to serve thereon other than those whose Names are specified in a Warrant or Mandate signed by such Sheriff, Coroner, or Elisor, and directed to such Bailiff or other Officer; and if any Sheriff, Coroner, Elisor, Bailiff, or other Officer shall wilfully transgress in any of the Cases aforesaid, or shall neglect to summon any Juror in manner herein-before directed, the Court (within whose Jurisdiction such Offence shall have been committed) may and is hereby required, on Examination and Proof of such Offence in a summary Way, to set such a Fine upon any Person so offending as the Court shall think meet, according to the Nature of the Offence.

See 3 & 4 W. 4. c. 91. s. 34.

Power to the Superior Courts to change the Venue.

XXXVI. In every Action which shall be depending in any of Her Majesty's Superior Courts of Record in Ireland, and in every Indictment, Information, Cause, or other Proceeding depending in Her Majesty's Court of Queen's Bench, the Court may, at the Instance of any Prosecutor or Plaintiff or Defendant, direct the Issue or Issues joined in such Action, Indictment, Information, or Proceeding to be tried by a Jury of any County adjoining the County in which the Venue shall

See 3 & 4 W. 4. c. 91. s. 21. and 6 G. 4. c. 51. s. 4.

shall be laid, and to isssue a proper Precept accordingly, if the said Court shall think fit and proper so to do.

Penalties for Neglect of Duty by Clerk of the Peace or Town Clerk or Sheriff. See 3 & 4 W. 4. c. 91. s. 36.

XXXVII. If any Clerk of a Poor Law Union shall refuse or neglect to make out and transmit to the Clerk of the Peace the List herein-before in that Behalf directed, and at the Time and in the Manner herein specified, or if any Clerk of the Peace shall refuse or wilfully neglect to cause such List of Jurors to be made out in the Manner herein-before directed, or shall refuse or wilfully neglect to provide or prepare the "Jurors Book" or "Special Jurors Book" within the Time or in the Manner and Form herein-before prescribed, or to deliver the same to the Sheriff or Under Sheriff within the Time herein-before prescribed, or if any Sheriff, Clerk of the Peace, or other Officer acting under this Act shall make or cause to be made any Alteration whatsoever in the List of Jurors contained in the said "Jurors Books," except in the Cases herein-before provided for, or shall wilfully write or cause to be written in the said List or Books the Name of any Person not qualified, or shall wilfully omit thereout the Name of every Person duly qualified as a Juror or Special Juror, or if any Sheriff shall neglect or refuse to write or cause to be written the several Numbers contained in such List upon distinct Pieces of Parchment or Card in the Manner and within the Time herein-before prescribed, or shall subtract or destroy, or by any Neglect or Default lose, any of the said Pieces of Parchment or Card, or shall wilfully neglect or refuse, upon Discovery of such Loss, to supply the same, or if any Sheriff shall refuse or wilfully neglect, within *Ten* Days after the next succeeding Sheriff shall have entered upon Office, to deliver over to him as well all the said "Jurors Books" which shall be made or prepared in the Year of his Shrievalty as also such other like Books and Lists as were prepared in the Shrievalty of any of his Predecessors within *Four* Years then next preceding, and which were delivered over to him by any of his Predecessors, every such Clerk of the Peace, Sheriff, or other Officer offending in any of the said Cases shall for every such Offence forfeit the Sum of *One hundred Pounds, one Moiety* whereof shall be to the Use of Her Majesty, Her Heirs or Successors, and the *other Moiety*, with full Costs, to such Person as shall sue for the same.

Penalties on Jurors summoned on Inquests for Non-attendance or other Default. See 3 & 4 W. 4. c. 91. s. 41.

XXXVIII. If any Man, having been duly summoned and returned to serve as a Juror upon any Inquest or Inquiry before any Sheriff, Justice of the Peace, or Coroner, or before any of the Commissioners appointed under the Great Seal or the Seal of the Court of Exchequer, shall not, after being openly called Three Times, appear, and Service of such Summons be duly proved, every such Sheriff, or in his

his Absence the Under Sheriff, and such Justice of the Peace and such Coroner and Commissioners respectively, are hereby authorized and required, unless some reasonable Excuse shall be proved on Oath or Affidavit, to impose such Fine upon every Man so making default as they shall respectively think fit, not exceeding *Five Pounds;* and every such Sheriff, Under Sheriff, Justices of the Peace, Coroner, and Commissioners respectively shall make out and sign a Certificate containing the Christian and Surname, the Residence, and Trade or Calling of every Man so making default, together with the Amount of the Fine imposed, and the Cause of such Fine, and shall transmit such Certificate to the Clerk of the Peace for the Place in which every such Defaulter shall reside, on or before the First Day of the Quarter Session next ensuing; and every such Clerk of the Peace is hereby required to copy the Fines so certified on the Roll on which all Fines and Forfeitures imposed at such Quarter Sessions shall be copied, and the same shall be estreated, levied, and applied in like Manner, and subject to the like Powers, Provisions, and Penalties in all respects, as if they had been Part of the Fines imposed at such Quarter Sessions.

Fines imposed by this Act. See 3 & 4 W. 4. c. 91. s. 42.

XXXIX. All Fines to be imposed under this Act by any of the Courts shall be levied and applied in the same Manner as any other Fines imposed by the same Court, and that all other Penalties hereby created (for which no other Remedy is given) shall be sued for, levied, and recovered, and any Conviction under this Act shall be appealed from, as by the Petty Sessions, Ireland, Act, 1851, is provided, within the Operation of the said Act, and within the Police District of Dublin Metropolis, according to the Laws in force in the said District.

Sheriff indemnified in returning any Person whose Name is in the Jurors Book or Special Jurors Book. 3 & 4 W. 4. c. 91. s. 33.

XL. Every Sheriff and other Officer is hereby indemnified for summoning, impanelling, and returning any Man named in the said "Jurors Book" or "Special Jurors Book;" and if any Sheriff or other such Officer shall wilfully impanel and return any Man to serve on any Jury before any of the Courts before mentioned (except on the Grand Jury at any Assizes, or on the Grand Jury of the County of Dublin or County of the City of Dublin in every Term), such Man's Name not being inserted in the said "Jurors Book" or "Special Jurors Book," or if any Judge's Registrar or Clerk, Clerk of the Peace, Town Clerk, or other Officer of any of the Courts in this Act mentioned, shall wilfully record the Appearance of any Man so summoned and returned who did not really appear, in every such Case the Court shall, upon Examination in a summary Way, set such Fine upon such Sheriff or Officer, Judge's

Registrar, or Clerk of the Peace, or Town Clerk, or other Officer attending, as to the Court shall seem meet.

Embracery. See 3 & 4 W. 4. c. 91. s. 48.

XLI. Notwithstanding anything herein contained, every Person who shall be guilty of the Offence of Embracery, and every Juror who shall wilfully or corruptly consent thereto, shall and may be respectively proceeded against by Indictment or Information, and be punished by Fine and Imprisonment, in like Manner as every such Person and Jurors might have been before the passing of this Act.

Copy of the Panel to be delivered to Persons arraigned for High Treason.

XLII. When any Person is indicted for High Treason or Misprision of Treason in any Court, a List of the Jury to be summoned in pursuance of the Precept, mentioning the Names, Profession, and Place of Abode of the Jurors, shall be given to the Party charged *Ten* Days before the Arraignment: Provided always, that nothing herein contained shall extend to any Indictment for High Treason in compassing and imagining the Death of the Queen, or for Misprision of such Treason, where the overt Act or overt Acts of such Treason alleged in the Indictment shall be the Assassination or killing of the Queen, or any direct Attempt against Her Life, or any direct Attempt against Her Person, whereby Her Life may be endangered or Her Person may suffer bodily Harm.

Certain Acts and Parts of Acts repealed.

XLIII. From and after the Periods hereby appointed for the Commencement of this Act, the several Acts and Parts of Acts set forth in the First Schedule to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, and every other Act or Acts and such Parts of every other Act or Acts as shall be inconsistent with this Act, shall be and they are hereby repealed, except as to anything heretofore done, and except so far as any of the said Acts or Parts of Acts, whether mentioned or included in the said Schedule or not, repeal any former Act or Acts or Parts of an Act or Acts, and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the Periods appointed for the Commencement of this Act.

This Act not to abridge Powers of Courts. See 3 & 4 W. 4. c. 91. s. 15.

XLIV. Provided also, That nothing herein contained shall extend or be construed to extend to alter, abridge, or affect any Power or Authority which any Court or Judge in this Act mentioned now hath, in issuing any Precept, or making any Award or Order, orally or otherwise, for the Return of a Jury, Juries, or Jurors, or for amending or enlarging the Panel of Jurors returned for the Trial of any Issue, except in those Cases only where any such Power or Authority,

Practice

Practice or Form, is expressly repealed or altered by this Act, or is or shall be inconsistent with any of the Provisions thereof, nor to abridge or affect any Privilege of Parliament; provided that the Jurors to try any Issue be qualified according to this Act.

Commencement of this Act.

XLV. The Parts of this Act relating to the Preparation of Lists of Jurors, and the Formation of the "Jurors Book" and "Special Jurors Book," and the Delivery thereof to the Sheriff in the Manner herein-before mentioned, shall commence and take effect as soon after the *passing of this Act* as the proper Periods for doing those Things shall occur; and the rest of this Act shall commence and take effect on the *First Day of January One thousand eight hundred and fifty-nine.*

SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE.

ACTS and PARTS of ACTS to be repealed, so far as in the foregoing Acts is declared.

Date of Act.	Title of Act.	Extent of Repeal.
No. 1. An Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of William the Fourth, Chapter Ninety-one.	No. 1. "An Act for consolidating and amending the Laws relative to Jurors and Juries in Ireland."	No. 1. The whole of this Act except the 47th and 50th Sections.
No. 2. An Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of William the Fourth, Chapter Eight.	No. 2. "An Act to amend an Act passed in the last Session for consolidating and amending the Laws relative to Jurors and Juries in Ireland."	No. 2. The whole of this Act.
No. 3. An Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Queen Victoria, Chapter Forty-eight.	No. 3. "An Act to amend Two Acts of the Third and Fourth and Fourth and Fifth Years of His late Majesty King William the Fourth, for consolidating and amending the Laws relative to Jurors and Juries in Ireland."	No. 3. The whole of this Act.
No. 4. An Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Queen Victoria, Chapter One hundred and eight.	No. 4. "An Act for the Regulation of Municipal Corporations in Ireland."	No. 4. Section 180.
No. 5. An Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Queen Victoria, Chapter Sixty-seven.	No. 5. "An Act for making further Regulations for more effectually securing the Correctness of the Jurors Books in Ireland."	No. 5. The whole of this Act.
No. 6. An Act passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of Queen Victoria, Chapter Ninety-one.	No. 6. "An Act to provide for the Collection of Rates in the City of Dublin."	No. 6. Section 87. of this Act, by which the Collector General of the City of Dublin is required to make out the List of Persons liable to serve on Juries.

Date of Act.	Title of Act.	Extent of Repeal.
No. 7. An Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Queen Victoria, Chapter One hundred and thirteen.	No. 7. "An Act to amend the Procedure in the Superior Courts of Common Law in Ireland."	No. 7. Section 109, Section 110, Section 111, Section 112, Section 113, Section 114, Section 115, Section 116, and Section 117, which relate to Juries and Jury Process.

SCHEDULE (A.)

"The CLERK of the UNION'S LIST of PERSONS qualified to serve as JURORS" of the County of *or* County of the City of *or* County of the Town of [*as the Case may be*] for the Years

Numbers in this List.	Christian Name and Surname in alphabetical Order of Surnames.	Place of Abode or Residence.	Title, Quality, Calling, or Business.	Amount rated yearly Value.	Name of the Townland, Denomination, or Place, Street, Lane, or Place, in which the Property in respect of which the Party rated is situate.

"The GENERAL LIST of JURORS" of the County of *or* County of the City of *or* County of the Town of [*as the Case may be*] for the Year 18 .

Number in this Book.	Christian Name and Surname.	Place of Abode.	Title, Quality, Calling, or Business.	Annual Value of Freehold, or Leasehold, or Amount rated yearly Value.	Rated Occupier, or Freeholder, or Leaseholder.	Name of the Townland, Denomination, or Place, Street, Lane, or Place, in which the Property in respect of which the Jurors have been rated on and qualified is situate.

SCHEDULE (B.)

"The GENERAL LIST of SPECIAL JURORS" of the County of *or* County of the City of *or* County of the Town of [*as the Case may be*] for the Year

Number in this List.	Christian Name and Surname in alphabetical Order of Surnames.	Place of Abode or Residence.	Title, Quality, Calling, or Business.	Annual Value of Freehold or Amount rated yearly Value.	Nature of Qualification, whether Lands, or House, or Houses, &c., Rated Occupier or Freeholder.	Name of the Townland, Denomination, or Place, Street, Lane, or Place, in which the Property in respect of which the Juror has been rated is situate.

Juries (Ireland).

A

B I L L

To consolidate and amend the Laws relating to Juries in Ireland.

(*Prepared and brought in by Mr. John Fitzgerald, Mr. Monsell, and Mr. Bland.*)

Ordered, by The House of Commons, *to be Printed,* 13 *April* 1858.

[Bill 44.]

Under 3 oz.

Juries (Ireland) Bill.

(No. 2.)

ARRANGEMENT OF CLAUSES.

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Commencement of Act; 2.
Interpretation of Terms; 3.
Repeal of Acts; 4.
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(No. 2.)

A

B I L L

TO

Consolidate and amend the Laws relating to Juries in Ireland.

WHEREAS it is expedient to consolidate and amend the Laws relating to the Qualification of Jurors and the Formation of Juries in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may be cited for all Purposes as the "Jury Act (Ireland), 1858." Short Title.

II. This Act shall come into operation, as regards the Preparation of the Lists of Jurors, and the Formation of the "Jurors Book" and "Special Jurors Book," and the Delivery thereof to the Officers charged with the Return of Jurors, and the Delivery of Parchments or Cards, in the Manner herein-after provided, so soon after the *passing of this Act* as the proper Periods for doing those Things shall occur; and the rest of this Act shall come into operation in the County and County of the City of Dublin on the *First Day of January One thousand eight hundred and fifty-nine*, and in every Commencement of Act.

other County, County of a City, and County of a Town on the *First Day of February One thousand eight hundred and fifty-nine.*

Interpretation of Terms.

III. In the Construction of this Act (if not inconsistent with its Context or Subject Matter) the following Terms shall have the Meanings herein assigned to them; that is to say, "County" shall include County of a City and County of a Town, and the City and County of Londonderry; "Court" shall mean the Superior Courts of Common Law at Dublin, and all Courts of Assize, Nisi Prius, Oyer and Terminer, Gaol Delivery, and of General Sessions of the Peace, and Courts of a Recorder and an Assistant Barrister; "Sheriff" shall include Under Sheriff.

Repeal of Acts.

IV. The several Acts and Parts of Acts set forth in the First Schedule to this Act annexed are repealed to the Extent therein expressed, except as to Matters or Things done under the said Acts or any of them before the Commencement of this Act, and except so far as my be necessary for the Purpose of supporting or continuing any Proceeding taken, and as to the Recovery and Application of any Penalty for any Offence committed previous to the Commencement of this Act.

No Jurors returned save under this Act.

V. No Sheriff, Coroner, or other Officer shall, in answer to any Precept, return the Name of any Person to serve as a Juror unless such Person shall be qualified according to the Provisions of this Act.

Qualification for Jurors. 6 G. 4. c. 50. s. 1.

VI. The Qualification required in Persons returned to serve as Jurors on the Trial of Issues, whether Civil or Criminal, or on Inquests or Inquiries taken or held by any Sheriff, Coroner, Master of any of the Superior Courts of Law, or Commissioner appointed under the Great Seal or the Seal of the Court of Exchequer, or to serve as a Grand Juror in a Court of General Sessions of the Peace, shall be as follows:—

Every such Person shall be a natural-born Subject of the Queen or Her Successor, and under the Age of *Sixty-five* Years, and a Resident in the County for which he is returned to serve, whose Name shall appear in the List of Parliamentary Voters for the County, City, or Town in respect of which he is required to serve, or for some Parliamentary Borough, not being a County of a City or a County of a Town in itself within such County (such Lists having been duly revised, signed, and lodged with the Clerk of the Peace or Town Clerk thereof, in pursuance of the Provisions of the Act of the Thirteenth and Fourteenth Years of the Reign of Her Majesty, Chapter Sixty-nine), as that of

of a Person having an Estate of Freehold in Hereditaments of the annual Value of not less than *Twenty Pounds*, or as a Person rated to the Relief of the Poor in respect of Hereditaments of the net annual Value of not less than *Thirty Pounds*, situate within the County, County of a City, or County of a Town:

Provided that the Occupation of a Counting-house, Office, or Place of Business in any County of a City or County of a Town, rated to the Amount aforesaid, by a Person who shall reside within *Seven* Statute Miles (commuted by the nearest public Road or Way) of the Court House, or of Her Majesty's Courts as regards the County of the City of Dublin, shall be equivalent to an actual Residence in such County of a City or County of a Town.

Exemptions from serving on Juries. 3 & 4 W. 4. c. 91. s. 2. 6 G. 4. c. 50. s. 2.

VII. The following Persons are exempted from being returned, and from serving on any Jury, or Inquest or Inquiry whatsoever, and their Names shall not be inserted in Jury Lists; that is to say,

Peers and Privy Councillors; Judges of Her Majesty's Courts of Record; Judges of the Ecclesiastical Courts; Assistant Barristers; Officers of Courts of Justice, actually exercising the Duties of their Office (not including as such Commissioners appointed to take Affidavits in any of the Superior Courts); Public Notaries duly admitted; Sheriffs, Coroners, and Sheriffs Officers; Gaolers and Keepers of Houses of Correction; Clergymen, and Persons who teach or preach in any Religious Congregation, and who do not follow any secular Occupation except that of a Schoolmaster; Barristers-at-Law actually practising; Attorneys and Solicitors actually practising, and having duly taken out their annual Certificates; Physicians actually practising; Surgeons, being Members of the Royal Colleges of Surgeons in London, Edinburgh, or Dublin, or of the University of Dublin, or of the Queen's University in Ireland, and actually practising; Apothecaries, certified by the Court of Examiners of the Governor and Company of the Apothecaries Hall of the City of Dublin, and actually practising; Officers in Her Majesty's Navy or Army on Full Pay, or serving in the Militia; Officers and Constables, and other Persons holding Appointments in the Constabulary or Police Force; Resident and Stipendiary Magistrates; Officers of Customs and Excise; Collectors of Poor Rate and Clerks of Poor Law Unions; Inspectors of Prisons; Inspectors and Sub-Inspectors of Factories, and all Persons employed and acting in the Service of Her Majesty's Post Office; Treasurers and Secretaries of Grand Juries; County Surveyors, and their Assistants and Clerks; Parish Clerks and Clerks of Petty Sessions; Masters of Vessels, and Pilots duly licensed as such

in any Port; Publicans and Persons licensed to sell Spirits by Retail to be consumed on the Premises; Justices of the Peace (as respects any General Sessions of the Peace holden in any County or Place of which they are respectively Justices); Town Clerks of Boroughs (as respects Juries summoned within the respective Boroughs in which they act); Persons exempt by virtue of any Prescription, Charter, Grant, Writ, or Local Act.

Persons convicted of certain Crimes disqualified. 6 G. 4. c. 50. s. 3. 3 & 4 W. 4. c. 31. s. 3.

VIII. Persons attainted of Treason, Felony, or convicted of any Crime that is infamous, or of any Whiteboy Offence, comprising Waylaying, aggravated Assaults, and Crimes resulting from illegal Combination, and who shall not have obtained a free Pardon, and Persons being under Outlawry by virtue of Criminal Process, shall not be returned or permitted to serve as Jurors on any Occasion whatever.

Aliens may have a Jury de medietate linguæ. 3 & 4 W. 4. c. 91. s. 37. 6 G. 4. c. 50. s. 47.

IX. Any Alien charged with a Felony or Misdemeanor shall have the Right of being tried by a Jury de medietate linguæ; and, on the Prayer of any Alien so charged, the proper Officer shall, by Command of the Court, return for One Half of the Jury a competent Number of Aliens, if so many there be in the Place where the Trial is had, and if not then so many Aliens as can be found there (if any), and such Alien Jurors shall not be liable to be challenged for Want of Qualification.

General List of Jurors for Trial, Civil and Criminal.—*Vide* Report of Committee on Crime and Outrage in Ireland.

X. The Clerk of the Peace or Town Clerk, or his Deputy, for each County, County of a City, and County of a Town in Ireland, shall from Time to Time after the several Lists of Parliamentary Voters for such County, County of a City, or County of a Town, shall have been duly revised and signed by the Assistant Barrister, or the Person acting for him, make out a true and correct List, in alphabetical Order, of the Names of all Persons qualified and liable to serve as Jurors, and who shall appear on such Lists as having Estates of Freehold in Hereditaments of the annual Value of not less than *Twenty Pounds*, or as being rated to the Relief of the Poor in respect of Hereditaments of the net annual Value of not less than *Thirty Pounds*, and being situated within such County, County of a City, or County of a Town; and the List, when so made, shall be called "The General List of Jurors," and shall be according to the Form (A.) in the Second Schedule to this Act annexed, and shall contain, in proper Columns, the Christian Name and Surname, written at full Length, the true Place of Abode, the Qualification, and the Place where the Property is situated, or the Name of the Property in respect of which such Person is qualified, and such List shall, at the Foot of each Page thereof, and also at the Foot thereof, be

be signed by the Clerk of the Peace, Town Clerk, or his Deputy, under his Hand, and such List shall be kept among the Records of the County, County of a City, or County of a Town respectively, and the Clerk of the Peace or Town Clerk shall allow such List to be inspected at all reasonable Times in his Office, without Fee or Reward; and the Clerk of the Peace or Town Clerk shall cause such "General List of Jurors" to be truly and fairly copied in a Book to be by him provided for that Purpose, at the Expense of the County, County of a City, or County of a Town respectively, and shall, on or before the *Fifteenth Day of December* in each Year, deliver the same Book to the Sheriff of the County, County of a City, or County of a Town, or his Under Sheriff, duly certified by such Clerk of the Peace or Town Clerk, which Book shall be called "The Jurors Book" for the Year (inserting the current Year for which such Book is to be in use), and shall also deliver a Copy thereof to each Coroner of the County, County of a City, or County of a Town, and every Sheriff on quitting his Office shall deliver the Book to the succeeding Sheriff; and every "Jurors Book" so prepared shall, as regards each County and City and Town in Ireland, except the County and City of Dublin, be brought into use on the *First Day of February* after it shall have been so delivered, and shall be used for *One Year* then next following; and the Jurors Book of the County of Dublin and County of the City of Dublin respectively shall be brought into use on the *First Day of January* after such Book shall have been delivered to the Sheriff of the County of Dublin and Sheriff of the City of Dublin respectively.

8 & 9 Vict. c. 67. s. 3. 3 & 4 W. 4. c. 91. s. 11. 6 G. 4. c. 50. s. 12.

"The Jurors Book" to be delivered to Sheriff.

XI. In order to enable the Clerk of the Peace of any County in which there is situated a Parliamentary Borough, not being a County of a City or County of a Town in itself, to prepare such Lists, the Town Clerk of such Borough, or his Deputy, shall, not later than *Fifteen* Days after the Parliamentary Lists for such Borough shall have been duly revised and signed, make out a true and correct List in alphabetical Order of all Persons liable and qualified as aforesaid to act as Jurors whose Names shall appear on such Lists, with the Qualification aforesaid, and shall within the Time aforesaid return the said Lists to the Clerk of the Peace of the County, and such List shall be signed at the Foot thereof, and at the Foot of every Page, by the Town Clerk or his Deputy.

Town Clerks of certain Parliamentary Boroughs to forward Lists to the Clerk of the Peace.

XII. The Clerk of the Peace or Town Clerk for each County, County of a City, or County of a Town in Ireland or his Deputy, as soon as he has made out the "General List of Jurors," shall make out a List in alphabetical Order of the Names of all Persons appearing in such List as having Freeholds of the annual Value of

"Special Jury List," and "Special Jurors Book." 3 & 4 W. 4. c. 91. s. 24.

not less than *Fifty Pounds*, or as being rated to the Relief of the Poor in respect of Hereditaments of the net annual Value of not less than *Sixty Pounds*, and shall prefix to every Name in such List its proper Number, beginning the Numbers from the First Name, and continuing them in a regular arithmetical Series down to the last Name; and such List, when so made out, shall be called "The General List of Special Jurors," and shall be according to the Form (B.) in the Second Schedule to this Act annexed, and shall contain in proper Columns the Christian Name and Surname, written at full Length, the true Place of Abode and Qualification of the Persons named therein, and shall at the Foot thereof be signed by the Clerk of the Peace, Town Clerk, or his Deputy, under his Hand, and shall be kept amongst the Records of the County, County of a City, or County of a Town, in the Office of the Clerk of the Peace or Town Clerk, for public Inspection at all reasonable Times, without Fee or Reward; and the Clerk of the Peace or Town Clerk shall cause such "General List of Special Jurors" to be duly and fairly copied in alphabetical Order into a Book to be by him provided for that Purpose, at the Expense of the County, County of a City, or County of a Town, and shall, on or before the *Fifteenth Day of December* in each Year, deliver the same to the Sheriff of the County, County of a City, or County of a Town, or his Under Sheriff, duly certified by such Clerk of the Peace, Town Clerk, or his Deputy; and such Book shall be called the "Special Jurors Book" for the Year (inserting the Year for which it is to be in use); and every Sheriff on quitting his Office shall deliver the Book to the succeeding Sheriff; and every "Special Jurors Book" so prepared shall, as regards each County, City, and Town in Ireland, except the County and City of Dublin, be brought into use on the *First Day of February* after it shall be so delivered to the Sheriff or Under Sheriff, and shall be used for *One Year* then next following, and the "Special Jurors Book" of the County of Dublin and County of the City of Dublin respectively shall be brought into use on the *First Day of January* after such Book shall have been so delivered to the Sheriff of the County of Dublin and County of the City of Dublin respectively.

Court of Queen's Bench, or any Judge thereof, or Judge of Assize, may correct the said "Lists" and "Books."

XIII. If the "General List of Jurors," "Jurors Book," "General List of Special Jurors," or "Special Jurors Book," shall contain any Name not contained in the "Revised and signed Lists of Parliamentary Voters," or if any Name contained in any of such revised and signed Lists of Parliamentary Voters, and which should appear in such "General List of Jurors," "General List of Special Jurors," or "Jurors' Book or "Special Jurors Book," according

according to the Provisions and Directions aforesaid, shall not appear therein, Her Majesty's Court of Queen's Bench in Dublin, or any Judge of the said Court, or any Judge of Nisi Prius or Assize, or the Assistant Barrister of any County for which such Lists may have been formed, may, upon Complaint thereof made, order the Sheriff or Under Sheriff and the Clerk of the Peace or Town Clerk respectively to produce the "Revised and signed List of Voters," "General List of Jurors," "General List of Special Jurors," "Jurors Book," or "Special Jurors Book," (according to the Nature of the Complaint,) to the said Court, or Judge, or Assistant Barrister; and if, upon Inspection of the "General List of Jurors," or "General List of Special Jurors," or Jurors Book," or "Special Jurors Book," and the revised and signed Lists, any such Error shall be found in the "General List of Jurors," "General List of Special Jurors," or "Jurors Book," or "Special Jurors Book," the Court or Judge shall order the same to be amended; and such Amendment shall be forthwith made and signed by the Sheriff or Under Sheriff, and Clerk of the Peace or Town Clerk, in the Presence of the Court or Judge.

8 & 9 Vict. c. 67. s. 4.

XIV. The Grand Jury or Town Council of each County, County of a City, and County of a Town may and are hereby required, from Time to Time, at the next ensuing Assizes or Presenting Term after the Preparation thereof, and without previous Application at Presentment Sessions or otherwise, to present such Sum of Money as they shall deem reasonable for defraying the Expense of making such "Lists" and "Books" as are hereby directed and required to be made, including a reasonable Remuneration to the Clerk of the Peace or his Deputy for the Duties imposed on them.

Grand Juries to present Expenses of Lists and Jurors Books.
8 & 9 Vict. c. 57. s. 6.

XV. The Judges of Assize, Judges under a Commission of Oyer and Terminer, Assistant Barristers, and Recorders of Cities and Towns (except the Recorder of Dublin) shall issue a Precept to the respective Sheriffs, requiring them to summon for the Trial of all Issues, whether Civil or Criminal, which may come on for Trial during the Assizes or General Sessions of the Peace or other Sittings, a sufficient Number of Names of Persons to be taken from the "Jurors Book;" and the Sheriff or other Officer shall take the Names of the Jurors from the said List as far as possible in a regular alphabetical Series, by returning one Name from each Letter in succession, beginning with the first Letter, and so proceeding regularly through the Letters, so far as the Number of Names in each Letter will admit, until a sufficient Number of Names shall have been placed on the Panel, and in preparing any subsequent Panel for any Purpose whatsoever he shall commence by taking

Judges of Assize, Assistant Barristers, at Sessions, and Recorders to issue their Precept to the Sheriff to summon Jurors.
16 & 17 Vict. c. 113. s. 109.

taking the first Name not already returned from the Letter next following that from which the last Name in the preceding Panel was taken, and shall proceed in like Manner through the Letters, so far as may be necessary and practicable, and until the entire List shall have been exhausted, when he shall commence or continue with the first Name in the Letter A, as before, so that the Name of every Juror shall be returned on the Panels of Jurors in succession in its proper Turn and Order; and all such Persons shall be summoned in manner herein-after mentioned to form One Panel, and to serve indiscriminately on the Criminal and Civil Side; and a printed Panel of the Jurors summoned shall, *Seven* Days before the First Day in each Term or Commission Day, and before the First Day of such General Sessions or Sittings (as the Case may be), be made by the Sheriff, and kept in the Sheriff's Office of the County, County of a City, and County of a Town, and in respect of Panels for the Assizes, in the Office of the Returning Officer in Dublin, for Inspection; and a printed Copy of the Panel shall be delivered by the Sheriff or Under Sheriff to any Party requiring the same, on Payment of a Fee of *One Shilling;* and such printed Panel shall, in Civil Cases in the Superior Courts, be annexed to the Abstract of the Record for Nisi Prius: Provided, that the Jurors summoned to serve at any Quarter Sessions of the Peace shall be resident within the Division in and for which such Sessions are holden, and where Assizes are holden at more than One Place in any County, that the Jurors to be taken from the "Jurors Book," and summoned to serve at such Assizes, be resident in or qualified in respect of Property situate in the particular Division or Riding in and for which such Assizes are holden.

6 G. 4. c. 50. s. 22.

16 & 17 Vict. c. 113. s. 110.

Precept to Sheriffs of Dublin.

16 & 17 Vict. c. 113. s. 111.

XVI. The Sheriffs of the County of Dublin and County of the City of Dublin respectively shall, pursuant to a Precept under the Hand of a Judge of One of the Superior Courts of Common Law, and when required for the Recorder's Court under the Hand of the Recorder of the City of Dublin, and without any other Authority, summon a sufficient Number of Persons named in the "Jurors Book" for the County of Dublin and the County of the City of Dublin respectively, at least *Seven* Days before they shall be required to attend for the Trial of all Issues, Civil and Criminal, which may come on for Trial in the Superior Courts of Common Law and the Consolidated Nisi Prius Court, or in the Court of Commission of Oyer and Terminer, and Recorder's Court, and which Precept shall be issued at least Days before the Day fixed for the Trial of such Issues, and the said Jurors shall be taken from the "Jurors Book," as herein-before mentioned, and so delivered by the Clerk of the

the Peace of the County of Dublin for the Trial of County Cases in the said several Courts, and by the Clerk of the Peace of the City of Dublin for the Trial of City Cases in the said several and respective Courts, and the Names of the Persons shall be taken from the said "Jurors Book" by the said Sheriffs in the Manner herein-before prescribed, and all such Juries shall be summoned in the Manner hereinafter mentioned, and a printed Panel of the Jurors summoned shall, *Seven* Days before the Day fixed for their Attendance, be made by the said Sheriffs of the County of Dublin and County of the City of Dublin, and kept in their Offices for Inspection, and a printed Copy of such Panel shall be delivered to any Party requiring the same, on Payment of the Sum of *One Shilling*, and such printed Panel shall, in Civil Cases in the said Superior Courts, be annexed to the Abstract for Nisi Prius, and the said Precept may be in like Form as the Precept issued by the Judges of Assize, and One shall suffice for each Term and Sittings after, or Commission of Oyer and Terminer, or Recorder's Court, and for all the Superior Courts of Common Law.

Sheriffs to procure Precept. 16 & 17 Vict. c. 113. s. 111.

XVII. It shall be the Duty of all Sheriffs to apply for and procure such Precepts to be issued in sufficient Time to enable them to summon the Jurors in manner aforesaid for the Assives, and for Commissions of Oyer and Terminer and Gaol Delivery, and for the Sittings at Nisi Prius, and the Sittings in the Courts of Common Law and the Consolidated Nisi Prius Court and Recorders Court in Dublin.

Courts enabled to issue Precept at all Times.

XVIII. Each and every of the said several Courts, or any Judge thereof, may at any Time issue a Precept or Precepts to summon Jurors for disposing of the Business pending in such Courts, and may direct the Time and the Place for which such Jurors shall be summoned, and all such other Matters as to such Court or Judge shall seem requisite.

Special Juries, how to be obtained. 3 & 4 W. 4. c. 91. s. 23.

XIX. Any of Her Majesty's Superior Courts of Law in Ireland respectively, and every Judge thereof, upon Motion made on behalf of the Queen, or of any Prosecutor, Relator, or Traverser, Plaintiff or Demandant, or of any Defendant or Tenant in any Case, Civil or Criminal, (except only Indictments for Treason or Felony,) depending in any of the said Courts, may order a Special Jury to be struck before the proper Officer of the Court, for the Trial of any Issue joined in any of the said Cases, and triable by a Jury; and the Plaintiff or Defendant in any Action shall be entitled to have the Cause tried by a Special Jury, upon giving Notice in Writing in proper Time to the opposite Party, and to the Sheriff or Officer, of his Intention that the Cause shall be so tried; but the Court or Judge may at any Time order that a Cause shall be tried by a Special Jury upon such Terms as shall seem fit.

16 & 17 Vict. c. 113. s. 113.

Striking Special Juries.

XX. Whenever One of the Superior Courts, or a Judge thereof, shall order a Special Jury to be struck, and whenever Notice in Writing shall have been given by either Party to the other, and to the Sheriff or his Returning Officer of the County, County of a City, or County of a Town from whence the Jury is to come, of his Intention that the Cause shall be so tried, the Sheriff or other Officer shall, within *Three* Days after the Service of the Rule of Court or of a Judge in that Behalf, or of the Notice of the Party, forward to the Master of the Court in which the Issue shall be depending a correct Copy of the "Special Jurors Book," with a Number prefixed to every Name in such Book in a regular arithmetical Series from the first down to the last Name, and such Sheriff or Under Sheriff shall cause the said several Numbers to be written on distinct Pieces of Parchment or Cards, and the said Master, at a Time and Place to be by him appointed, being attended by such Sheriff or Under Sheriff, or his Returning Officer or Agent, who are hereby respectively required to bring with them such "Special Jurors Book," or a true Copy thereof, signed and certified by such Sheriff or Under Sheriff, shall, in the Presence of the Parties and of their Attorneys, if they choose to attend, or if the said Parties or their Attorneys, all or any of them, do not attend, then in their Absence, put all the said Numbers into a Box to be by him provided for that Purpose, and after having shaken them together shall draw out of the said Box *Forty-eight* of the said Numbers, One after another, and shall, as each Number is drawn, refer to the corresponding Number in the "Special Jurors Book," or true Copy thereof," and read aloud the Name designated by such Number; and if at the Time of so reading any Name, either Party, or his Attorney, shall object that the Person whose Name shall have been so referred to is in any Manner incapacitated from serving on the said Jury, or otherwise legally objectionable, and shall also then and there prove the same to the Satisfaction of the said Master, such Name shall be set aside, and the said Master shall instead thereof draw out of the said Box another Number, and shall in like Manner refer to the corresponding Number in the said "Special Jurors Book," or "true Copy thereof," and read aloud the Name designated hereby, which Name may be in like Manner set aside, and other Numbers and Names shall in every such Case be resorted to, according to the Mode of Proceeding herein-before described for the Purpose of supplying Names in the Places of those set aside, until the whole Number of *Forty-eight* Names not liable to be set aside shall be completed; and if in any Case it shall so happen that the whole Number of *Forty-eight* Names cannot be obtained from the "Special Jurors Book," in that Case the said Officer shall fairly and indifferently take such a Number of Names from the "General Jurors Book" as shall be required to make up the

3 & 4 W. 4. c. 91. s. 25.

the full Number of *Forty-eight* Names, all and every of which *Forty-eight* Names shall in such Case be equally deemed and taken to be those of Special Jurors; and the said Master shall cause to be afterwards made out for each Party a List of the *Forty-eight* Names in the Order in which they shall have been drawn as aforesaid, together with their respective Places of Abode and Additions, and after having made out such List shall return all the Numbers so drawn out, together with all the Numbers remaining undrawn, to such Sheriff or his Agent, to be by such Sheriff safely and securely kept for future Use; and the said List of *Forty-eight* shall be reduced, at a Time and Place to be fixed by the Master, by the Plaintiff and Defendant each alternately striking out some one Name from the List until the Names in said List shall be reduced to *Twenty-four*; and all other Matters whatsoever relating to Special Juries shall remain in force as heretofore, except so far as they are expressly altered by this Act, and all the Fees heretofore legally payable on the striking of Special Juries shall continue to be paid in the accustomed Manner.

Same Special Jury may serve in several Cases. 3 & 4 W. 4. c. 91. s. 26.

XXI. The same Special Jury, however nominated, may try any Number of Causes, so as the Parties in each Cause, or their Attorneys, shall have signified their Assent in Writing to the Nomination of such Special Jury for the Trial of their respective Causes, or shall consent thereto in open Court.

Costs of Special Juries. 3 & 4 W. 4. c. 91. s. 27.

XXII. The Party applying for the Special Jury shall pay all the Expenses occasioned by the Trial of the Cause by Special Jury, and shall not have any other Allowance for the same upon Taxation of Costs than such Party would have been entitled unto in case the Cause had been tried by a Common Jury, unless the Judge before whom the Cause is tried shall, immediately after the Trial, certify under his Hand upon the Back of the Record that the Cause was proper to be tried by a Special Jury.

Remedy where Special Jury is for Delay.

XXIII. The Court or a Judge, if satisfied that the Notice of Intention to try a Cause by a Special Jury is for the Purpose of Delay, may order the Cause to be tried by a Common Jury, or make such other Order for the Trial of the Cause as such Court or Judge shall think fit.

View Jurors. 16 & 17 Vict. c. 113. s. 116.

XXIV. Whenever a View is to be had by a Common or Special Jury, it shall be sufficient to obtain a Rule of the Court or Judge's Order, directing a View to be had, and directing the Sheriff to have *Six* or more of the Jurors named in the Panel chosen by Consent, or if the Parties cannot agree, nominated by the proper Officer of the Court at the Place in question, some convenient Time before the

Trial; and the Viewers shall have the Place shown to them by Two Persons to be named in the Order, and to be appointed by the Court or Judge; and the Sheriff, on Request, shall deliver to either Party the Names of the Viewers, and shall also return their Names to the Registrar or other Officer of the Court, for the Purpose of their being called as Jurymen upon the Trial.

Sheriff not to return Names not in the "Jurors Book." 3 & 4 W. 4. s. 91. s. 11.

XXV. The Sheriff shall not, in answer to any Precept for the Return of Jurors, return the Names of any Persons not contained in the "Jurors Book" or "Special Jurors Book" for the Year then current, except in the Case of an Alien claiming to have Jury de medietate linguæ, or in case of there being no "Jurors Book" or "Special Jurors Book" for the Year preceding; and if it shall happen that any Person not in the "Jurors Book" shall be returned, and a Trial shall proceed, and a Verdict be found, without Objection to such Person as Juror, such Trial shall not be deemed a Mistrial, nor shall the Verdict thereon be impeached or questioned on account of the Return of such Juror.

Coroners and Elizors, Duties and Powers conferred on.

XXVI. In case the Precept for returning a Jury shall be directed to any Coroner, Elizor, or other Minister, the Provisions in this Act contained in reference to the Duties of a Sheriff shall apply to such Coroner, Elizor, or Minister, and he shall have free Access to the "Jurors Book" and the "Special Jurors Book" for the current Year, and for the preceding Year, if necessary.

No Jury Process necessary. 16 & 17 Vict. c. 113. s. 109.

XXVII. No Jury Process shall be necessary or used in any Action or Criminal Proceeding; but the Precept shall direct that the Jurors be summoned for the Trial of all Issues, whether Civil or Criminal, which may come on for Trial at the Courts.

Summoning of Jurors. 3 & 4 W. 4. c. 91. s. 18.

XXVIII. The Summons of every Juryman to serve on Juries, Common or Special, shall be made by the proper Officer *Six* Days at least before the Day on which the Juror is to attend, by delivering to the Person to be summoned, or, in his Absence from the usual Place of his Abode, by leaving with some Person there inhabiting a Summons; and every Summons requiring the Attendance of any Juryman, Common or Special, shall be duly and properly filled with the Name of the Juryman, and shall be signed by the Sheriff or Under Sheriff of the County, County of a City, or County of a Town, previous to such Summons being delivered to the Bailiff or Officer for Service.

Book to be kept by Summoning Officer.

XXIX. A Book shall be kept by every such Summoning Officer, in which shall be truly entered the Name of every Person summoned, and the Day on which the Summons shall have been served, and the Name

Name or Description of the Person on whom such Summons shall be served, and in case any such Summons shall not have been duly served, the Cause of such Summons not having been effected; and such Officer shall attend and produce his Book to the Court at its Sitting, and verify the same upon Oath, or shall cause the Book to be produced to the Court, in case of the unavoidable Absence of such Officer; and in case of the Death, Illness, or such Absence as aforesaid of such Officer, his Book, kept as aforesaid, on being verified on Oath as to his Handwriting by some credible Person, produced to the Court, shall be primâ facie Evidence of the Truth of the Matters entered therein as aforesaid; and if any such Officer shall neglect to keep such Book, or to make such Entries as aforesaid, or to attend the Court, or to produce or verify when called on, or to cause to be produced, the said Book, as herein-before provided, he may be fined by the Court to any Amount not exceeding *Ten Pounds* for every such Omission or Neglect.

Names of Jurors to be balloted for in Civil Courts. 3 & 4 W. 4. c. 91. s. 19.

XXX. The Name of each Juryman who shall be impanelled in any Court of Assize or Nisi Prius, or Consolidated Nisi Prius, with the Place of his Abode and Addition, shall be written on a distinct Piece of Parchment or Card, all as nearly as may be of an equal Size, and shall be delivered unto the Clerk or Registrar of the Judge who is to try the Cause, by the Sheriff or other Officer returning the Process, and shall by such Clerk or Registrar be put together in a Box to be provided for that Purpose; and when any such Issue shall be brought on to be tried, the Clerk or Registrar shall, in open Court, draw out *Twelve* of the said Parchments or Cards one after another, after having shaken them together, or, in Cases where any View shall have been directed and had as aforesaid, so many as, together with the Viewers who shall appear and shall be sworn, shall be sufficient to make up the Number of *Twelve* and if any of the Men whose Names shall be so drawn shall not appear, or shall be challenged and set aside, then such further Number, until *Twelve* Men, or such other Number as, together with such Viewers so appearing and sworn as aforesaid, shall make up the Number of *Twelve*, be drawn, who shall appear, and who, after all just Causes of Challenge allowed, shall remain as fair and indifferent; and the said *Twelve* Jurymen, their Names being marked in the Panel, and they being sworn, shall be the Jury to try the Issue, and the Names of the Jurymen so drawn and sworn shall be kept apart by themselves until such Jury shall have given in their Verdict, and the same shall be recorded, or until such Jury shall, by Consent of the Parties, or by Leave of the Court, be discharged; and then the same Names shall be returned to the Box, there to be kept with the other Names remaining at that Time undrawn, and so toties quoties as long as any Issue remains to be tried; and

if any other Issue shall be brought on to be tried in any of the said Courts before such Jury shall have brought in their Verdict or been discharged, the Jury to try such other Issue shall be balloted for, selected, and drawn in manner aforesaid; provided that, when both Parties shall consent thereto, the Court may try any Issue with the same Jury that shall have previously tried or been drawn to try any other Issue, without their Names being restored to the Box, and re-drawn, or order the Name or Names of any Man or Men on such Jury, when both Parties may consent, to withdraw, or who may justly be challenged or excused by the Court, to be set aside, and another Name or other Names to be drawn from the Box, and try the Issue with the Residue of such original Jury, and with such Person or Persons whose Name or Names shall be so drawn, and who shall appear and be approved as indifferent.

Ground of Challenge. 3 & 4 W. 4. c. 91. s. 20.

XXXI. If any Person returned as a Juror for the Trial of any Issue shall not be qualified according to this Act, the Want of such Qualification shall be a good Cause of Challenge, and he shall be discharged upon such Challenge, if the Court shall be satisfied of the Facts, provided it shall be proved that the Qualification has ceased subsequently to the Date of the signing of the Lists by the Assistant Barrister, and not otherwise; and, except as aforesaid, nothing in this Act contained shall alter or affect any existing Right of Challenge belonging to the Crown or to the Subject in any Cause, whether Civil or Criminal, and whether conferred by Statute or otherwise; and no Challenge shall be taken to any Panel of Jurors for Want of a Knight being returned on such Panel, nor shall any Array be quashed by reason of any such Challenge.

No Challenge for Want of Knight.

Courts may direct Tales. 3 & 4 W. 4. s. 91. s. 28.

XXXII. Where a full Jury shall not appear on the Trial of any Issue, Civil or Criminal, or where, after Appearance of a full Jury, by Challenge of any of the Parties, the Jury is likely to remain untaken for Default of Jurors, the Court, upon Request made for the Queen by any one thereto authorized in Cases of such Criminal Prosecutions, or on Request made by the Parties, Plaintiff or Demandant, Defendant or Tenant, or their respective Attorneys, in any Action or Suit, shall command the Sheriff or other proper Officer to whom the making of the Return shall belong to name and appoint, as often as Need shall require, *Twelve* other able Men, and duly qualified as herein-before mentioned, of the County, then present; and the Sheriff or other Officer shall, at such Command of the Court, return *Twelve* such Men duly qualified, who shall be present, or can be found to serve on such Jury, and shall add and annex their Names to the former Panel; provided that where a Special Jury shall have been struck for the Trial of any Issue, the Talesman shall be such as shall

shall be impanelled upon the "Special Jury List," if a sufficient Number of such Men can be found, and if not, then such as shall be impanelled upon the Common Jury List and the Names of the Persons so to be named, with their Additions and Places of Abode, shall be written on several distinct Pieces of Parchment or Cards, being all as near as may be of equal Size, and shall be delivered to the Clerk or Registrar of the Judge before whom such Issue is to be tried, by the Sheriff or other Officer, and shall by such Clerk or Registrar be put together in a Box or Drawer, and shaken together, and the said Clerk or Registrar, or other indifferent Person, by Direction of the Court, in open Court, shall draw out such Pieces of Parchment or Card, one after another, until a Number shall appear which shall be sufficient, with those of the original Panel who appear, to make up the Number of *Twelve*, who shall be the Jury to try such Issue; and the Queen by any one so authorized as aforesaid, and the Parties aforesaid, shall and may, in each of the Cases aforesaid respectively, have their respective Challenges to the Jurors so added and annexed; and the Court shall proceed to the Trial of every such Issue with those Jurors who were before impanelled, together with the Talesman so newly added and annexed, as if all the said Jurors had been returned upon the Precept issued for the Trial of Issues.

Judge may direct Two Sets of Jurors to be summoned. 6 G. 4. c. 50. s. 22.

XXXIII. In any Case in which the Judge or Judges, or Person awarding the Precept to summon Jurors, shall think fit so to direct, the Sheriff or other Officer to whom the said Precept shall be directed shall summon and impanel such Number of Jurors as such Judges or Person shall think fit to direct, and shall divide such Jurors equally into Two Sets, the first of which Sets shall attend and serve for so many Days at the Beginning of the Sittings, Assizes, or Sessions as shall be directed by the Precept, and the other of such Sets shall attend and serve for the Residue of such Sittings, Assizes, or Sessions; and the Sheriff or other Officer shall, in the Summons to the Jurors in each of such Sets, specify whether the Juror named therein is in the first or second Set, and at what Time the Attendance of such Juror will be required; and the Sheriff or other Officer to whom the Precept for summoning of Jurors for the Trial of Causes doth belong shall return a Panel, containing the Names, alphabetically arranged, together with the Additions and Places of Abode, of the Jurors in each of such Sets; and during the Attendance and Service of the first of such Sets the Jury shall be drawn from the Names of the Persons in that Set, and during the Attendance and Service of the second of such Sets from the Names of the Persons in such second Set; provided that in case an Order for a View shall have been obtained, the Judge before whom such Case is to be tried shall, on the Application of the Party obtaining such Order, appoint such

Case to be tried during the Attendance and Service of that Set of Jurors in which the Viewers or the major Part of them are included.

Sheriff to register alphabetically in the "Jurors' Book" the Services of Jurors summoned. 6 G. 4. c. 50. s. 40.

XXXIV. The Sheriff shall from Time to Time register alphabetically, in proper Columns, to be prepared in the "Jurors Book" for that Purpose, the Services of such Jurymen as shall be summoned and shall attend to serve as Jurors on Trials, before any Court of Assize or Nisi Prius, Oyer and Terminer, or Gaol Delivery, or in the said Courts of Quarter Sessions or Recorders Courts, in the several Counties, Cities, Counties of Cities, or Counties of Towns in Ireland, and also the Times of their Services; and every Person so summoned,

Certificate of Service.

and having duly attended or served until discharged by the Court, shall, upon Application by him made to such Sheriff or Under Sheriff, before he shall depart from the Place of Trial, receive a Certificate testifying such his Service, which Certificate the Sheriff or Under Sheriff is hereby required to give, on Payment of *One Shilling;* provided that nothing herein contained shall extend to Grand Jurors at Assizes or to Special Jurors.

No Person to be returned within a Year who has a Certificate of Service. 6 G. 4. c. 50. s. 42.

XXXV. No Person shall be returned as a Juror to serve on Trials before any Court of Assize, Nisi Prius, Oyer and Terminer, or Gaol Delivery, or in any of the Superior Courts in Dublin, or in the Consolidated Nisi Prius Court, who has served as a Juror in any of such Courts within *One Year* before, in any such County, County of a City, or County of a Town, and has the Sheriff's Certificate for having so served; and no Person shall be returned to serve upon any Grand Jury or Petty Jury at any Quarter Sessions of the Peace or Recorders Court to be holden for any County, County of a City, County of a Town, Riding, or Division, in Ireland, who shall have served as such Juror at any such Sessions within *One Year* before, and has the Certificate of the Clerk of the Peace of having so served; and if any Sheriff or other Officer shall wilfully transgress in any of the Cases aforesaid, the Court shall, on Examination and Proof of such Offence in a summary Way, set such Fine upon every such Offender as the Court shall think meet, not exceeding the Sum of *Twenty Pounds:* Provided that nothing herein contained shall extend to Grand Jurors at Assizes or to Special Jurors.

Money not to be taken to excuse any Person from serving. 6 G. 4. c. 50. s. 43. 3 & 4 W. 4. c. 91. s. 34.

XXXVI. No Sheriff, Under Sheriff, Coroner, Elisor, Bailiff, or other Officer or Person whomsoever, shall, directly or indirectly, take or receive any Money or other Reward, or Promise of Money or Reward, or any Consideration whatsoever, or the Promise of any Consideration, to excuse any Person from serving or from being summoned to serve on Juries, or under any such Colour or Pretence; and no Bailiff or other Officer appointed by any Sheriff, Under Sheriff, Coroner, or Elisor, to summon Juries, shall summons any Man to serve thereon,

thereon, other than those whose Names are specified in a Warrant or Mandate signed by such Sheriff, Under Sheriff, or Elisor, and directed to such Bailiff or other Officer; and if any Sheriff, Under Sheriff, Coroner, Elisor, Bailiff, or other Officer shall wilfully transgress in any of the Cases aforesaid, or shall neglect to summon any Juror any Number of Days less than the Number herein-before appointed for that Purpose, the Court within whose Jurisdiction such Offence shall have been committed shall, on Examination and Proof of such Offence in a summary Way, set such a Fine, not exceeding the Sum of *Twenty Pounds*, upon the Person so offending, as the Court shall think meet, according to the Nature of the Offence.

Jurors summoned not to depart without Leave. 3 & 4 W. 4. c. 91. s. 32.

XXXVII. If any Person, having been duly summoned to attend on any Jury, shall not attend in pursuance of such Summons, or being thrice called shall not answer to his Name, or if such Person, or any Talesman, after having been called, shall be present but not answer, or after his Appearance shall wilfully withdraw himself from the Presence of the Court, the Court shall set such Fine, not exceeding the Sum of *Twenty Pounds*, upon every such Person or Talesman making Default, unless some reasonable Excuse shall be proved by Oath or Affidavit: Provided that where any Viewer, having been duly summoned to attend on any Jury, shall make default as aforesaid, the Court shall set upon such Viewer (unless some reasonable Excuse shall be proved as aforesaid) a Fine to the Amount of *Ten Pounds* at the least, and as much more as the Court under the Circumstances of the particular Case shall think proper, not exceeding *Fifty Pounds*.

Power to the Court to change the Place of Trial in Criminal Cases. 3 & 4 W. 4. c. 91. s. 2.

XXXVIII. In every Indictment, Information, Cause, or other Proceeding depending in Her Majesty's Court of Queen's Bench in Ireland, the Court may, at the Instance of any Prosecutor or Plaintiff, or of any Defendant, direct the Issue or Issues joined in such Indictment, Information, Cause, or Proceeding to be tried by a Jury of any County adjoining the County in which the Venue shall be laid, and issue a proper Precept accordingly, if the Court shall think fit so to do.

Penalties for Neglect of Duty by Clerk of the Peace or Town Clerk or Sheriff. 3 & 4 W. 4. c. 9. ss. 25 and 26.

XXXIX. If any Clerk of the Peace or Town Clerk shall refuse or wilfully neglect to cause such general List of Jurors to be made out in the Manner herein-before directed, or shall refuse or wilfully neglect to provide or prepare the "Jurors Book" or "Special Jurors Book" within the Time or in the Manner and Form herein-before prescribed, or to transmit the same to the Sheriff or Under Sheriff within the Time herein-before prescribed, or to give Notice to the Sheriff or Under Sheriff of any wrongful Insertion or Omission therein, or if any Sheriff

or Under-Sheriff shall make or cause to be made any Alteration whatsoever in the List of Jurors contained in the said "Jurors Books," except in the Cases herein-before provided for, or if any Sheriff or Under Sheriff of the County shall wilfully neglect or refuse to provide or prepare a "Special Jurors Book" in the Manner and within the Time herein-before prescribed, or shall wilfully write or cause to be written in the said Lists or Books the Name of any Person not qualified, or shall wilfully omit thereout the Name of every Person duly qualified as a Juror or Special Juror, or shall neglect or refuse to write or cause to be written the several Numbers contained in such List upon distinct Pieces of Parchment or Card in the Manner and within the Time herein-before prescribed, or shall subtract or destroy, or by any Neglect or Default lose, any of the said Pieces of Parchment or Card, or shall wilfully neglect or refuse, upon Discovery of such Loss, to supply the same, or if any Sheriff or UnderS heriff shall refuse or wilfully neglect, within *Ten* Days after the next succeeding Sheriff shall have entered upon Office, to deliver over to him, as well all the said "Jurors Books" which shall be made or prepared in the Year of his Shrievalty, as also such other like Books and Lists as were prepared in the Shrievalty of any of his Predecessors within *Four* Years then next preceding, and which were delivered over to him by any of his Predecessors, every such Clerk of the Peace, Sheriff or Under Sheriff, offending in any of the said Cases shall for every such Offence forfeit the Sum of *One hundred Pounds*, *One Moiety* whereof shall be to the Use of Her Majesty Her Heirs or Successors, and the *other Moiety*, with full Costs, to such Person as shall sue for the same.

Jurors on Inquests. 3 & 4 W. 4. c. 91. s. 40. 9 & 10 Vict. c. 37. ss. 22 and 23. 6 G. 4. c. 50. s. 52.

XL. No Person shall be summoned or impanelled to serve as a Juror upon any Inquest or Inquiry to be taken or made by or before any Sheriff, Justice of the Peace, or Coroner, or before any Commissioners appointed under the Great Seal or the Seal of the Court of Exchequer, who shall not be duly qualified according to this Act to serve as a Juror upon Trials in Civil or in Criminal Cases; and every Coroner, as often as he shall hold an Inquest by virtue of his Office, shall issue his Precept to the Sub-Inspector of the District, or in his Absence to the Head or other Constable acting for him, to summon a sufficient Number of Persons named in the said "Jurors Book," to attend and be sworn as Jurors upon such Inquest at the Time and Place specified in such Precept, and such Sub-Inspector or Constable shall summon or cause to be summoned in Writing as Jurors upon such Inquest, such Persons resident within the District wherein the Inquest is about being held and duly qualified under the Provisions of this Act, and whose Names shall be contained in the "Jurors Book" of such County, County of a City, or County of a Town:

Town: Provided that if the Attendance of a sufficient Number of Jurors qualified as aforesaid cannot conveniently be had, the Sub-Inspector or Constable shall and may summon or cause to be summoned such and so many other fit and proper Persons, being Householders, and residing within the District where such Inquest shall be holden, as shall be necessary to attend and be sworn as Jurors upon such Inquest; and no Person who is now exempted from serving upon Juries by this or any other Act shall be liable to be summoned as a Juror upon any Inquest holden as aforesaid.

Penalties on Jurors summoned on Inquests for Non-attendance or other Default. 3 & 4 W. 4. c. 91. s. 41.

XLI. If any Person, having been duly summoned and returned to serve as a Juror upon any Inquest or Inquiry before any Sheriff, Justice of the Peace, or Coroner, or before any Commissioner aforesaid, shall not, after being openly called Three Times, appear, every such Sheriff, or in his Absence the Under Sheriff, and such Justice of the Peace and such Coroner and Commissioner respectively, are hereby authorized and required, after Service of the Summons has been duly proved, unless some reasonable Excuse shall be proved on Oath or Affidavit, to impose such Fine upon the Person so making default as they shall respectively think fit, not exceeding *Five Pounds*; and every such Sheriff, Under Sheriff, Justice of the Peace, Coroner, and Commissioner respectively shall make out and sign a Certificate containing the Christian and Surname, the Residence and Trade or Calling of every Man so making default, together with the Amount of the Fine imposed, and the Cause of such Fine, and shall transmit such Certificate to the Clerk of the Peace or Town Clerk for the Place in which every such Defaulter shall reside, on or before the First Day of the Quarter Sessions next ensuing; and the Clerk of the Peace or Town Clerk shall copy the Fines so certified on the Roll on which all Fines and Forfeitures imposed at such Quarter Sessions shall be copied, and the same shall be estreated, levied, and applied in like Manner, and subject to the like Powers, Provisions, and Penalties in all respects, as if they had been Part of the Fines imposed at such Quarter Sessions.

Fines imposed by this Act. 3 & 4 W. 4. c. 91. s. 42.

XLII. All Fines imposed under this Act by any Court shall be levied and applied in the same Manner as other Fines imposed by the same Court, and all other Penalties hereby created (for which no other Remedy is given) shall be sued for, levied, enforced, and applied, and the Conviction had in respect thereof may be appealed from, in the Manner provided by "The Petty Sessions (Ireland) Act, 1851," with respect to Places within the Operation of the said Act, and in the Manner provided by the Laws in force in the Police District of Dublin Metropolis, with respect to Places within the said District.

Conviction for Offences under this Act. 3 & 4 W. 4. c. 91. s. 43.

XLIII. Any Conviction in respect of any Offence against this Act may be drawn up in the following Form, or in any other Form of Words to the same Effect; viz.,

'BE it remembered, That on in the Year of our Lord *A. B.* is convicted before me, *C. E.*, (One of Her 'Majesty's Justices of the Peace for the of) for 'that he the said *A. B.* did [*specifying the Offence, and the Time 'and Place where the same was committed, as the Case shall be*]; 'and the said *A. B.* is for his said Offence adjudged by me, the 'said Justice, to forfeit and pay the Sum of Pounds.

'Given under my Hand and Seal, the Day and Year first above 'mentioned.'

Conviction not to be quashed for Want of Form. 3 & 4 W, 4. c. 91. s. 44.

XLIV. No Conviction for any Offence against this Act shall be quashed for Want of Form, or be removed by Certiorari or other Proceeding into any of Her Majesty's Courts of Record at Dublin; and no Distress made for any Penalty levied by virtue of this Act shall be deemed unlawful, nor shall the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards done by him; but the Person aggreived by such Irregularity may recover full Satisfaction for the special Damage (if any), giving Notice in Writing of the Cause of Action to the opposite Party *One Calendar Month* before the Commencement of the Action.

Penalty on Sheriff returning Person whose Name is not in the Jurors Book or Special Jurors Book. 3 & 4 W. 4. c. 91. s. 33.

XLV. If any Sheriff or other Officer to whom the Return of Juries shall belong shall wilfully impanel and return any Person to serve on any Jury before any of the Courts before mentioned (except on the Grand Jury at any Assizes, or on the Grand Jury of the County of Dublin, or County of the City of Dublin in Term), such Person's Name not being inserted in the "Jurors Book" or "Special Jurors Book" for the current Year, or if such "Jurors Book" and "Special Jurors Book," or either of them, hath not been delivered, then in the "Jurors Book" or "Special Jurors Book" (as the Case may be) last delivered, or if any Judge's Registrar or Clerk, Clerk of the Peace, Town Clerk, or other Officer of any of the Courts in this Act mentioned, shall wilfully record the Appearance of any Man so summoned and returned who did not really appear, the Court shall, upon Examination in a summary Way, set such Fine upon such Sheriff or Officer, Judge's Registrar, or Clerk of the Peace, or Town Clerk, or other Officer attending, as to the Court shall seem meet, not exceeding the Sum of *Fifty Pounds*.

XLVI. No

XLVI. No Writ of Attaint against any Jury or Jurors, or against the Party or Parties who shall have Judgment upon any Verdict, and no Inquest to inquire of the Concealments of other Inquests, shall henceforth be brought or holden. No Writ of Attaint to issue. 3 & 4 W. 4. c. 91. s. 47.

XLVII. Any Person who shall be guilty of the Offence of Embracery, and any Juror who shall wilfully or corruptly consent thereto, shall and may be respectively proceeded against by Indictment or Information, and be punished by Fine and Imprisonment in like Manner as before the passing of this Act. Embracery. 3 & 4 W. 4. c. 91. s. 48.

XLVIII. Nothing in this Act contained shall alter, abridge, or affect any Power or Authority which any Court or Judge in this Act mentioned hath, in issuing any Precept, or making any Award or Order, orally or otherwise, for the Return of Juries or Jurors, or for amending or enlarging the Panel of Jurors returned for the Trial of any Issue, except so far as such Power or Authority, Practice or Form, is expressly repealed or altered by this Act, or is inconsistent with the Provisions thereof; nor shall anything in this Act contained abridge or affect any Privilege of Parliament provided that the Jurors to try any Issue be qualified according to this Act. Act not to abridge Powers of Courts to order Juries. 3 & 4 W. 4. c. 91. s. 15.

SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE.

ACTS and PARTS of ACTS to be repealed, so far as in the foregoing Act is declared.

Date of Act.	Title of Act.	Extent of Repeal.
No. 1. An Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of William the Fourth, Chapter Ninety-one.	No. 1. "An Act for consolidating and amending the Laws relative to Jurors and Juries in Ireland."	No. 1. The whole of this Act, except Sections 29 and 30.
No. 2. An Act passed in the Fourth Year of the Reign of William the Fourth, Chapter Eight.	No. 2. "An Act to amend an Act passed in the last Session, for consolidating and amending the Laws relative to Jurors and Juries in Ireland."	No. 2. The whole of this Act.
No. 3. An Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of the Queen, Chapter Forty-eight.	No. 3. "An Act to amend Two Acts of the Third and Fourth and Fourth and Fifth Years of His late Majesty King William the Fourth, for consolidating and amending the Laws relative to Jurors and Juries in Ireland."	No. 3. The whole of this Act.
No. 4. An Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of the Queen, Chapter Sixty-seven.	No. 4. "An Act for making further Regulations for more effectually securing the Correctness of the Jurors Books in Ireland."	No. 4. The whole of this Act.
No. 5. An Act passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of the Queen, Chapter Ninety-one.	No. 5. "An Act to provide for the Collection of Rates in the City of Dublin."	No. 5. Section 87. of this Act.
No. 6. An Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of the Queen, Chapter Thirty-seven.	No. 6. "An Act to amend the Laws relating to the Office of Coroner and the Expense of Inquests in Ireland."	No. 6. Section 23. of this Act, which regulates the Qualification of Jurors upon Coroners Inquests.

Date of Act.	Title of Act.	Extent of Repeal.
No. 7. An Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of the Queen, Chapter One hundred and thirteen.	No. 7. "An Act to amend the Procedure in the Superior Courts of Common Law in Ireland."	No. 7. Section 109, Section 110, Section 111, Section 112, Section 113, Section 114, Section 115, Section 116, and Section 117, which relate to Juries and Jury Process.

SECOND SCHEDULE.

(A.)

"The General List of Jurors" of the County of , *or* County of the City of , *or* County of the Town of [*as the Case may be*] for the Years .

Numbers in this List.	Christian Name and Surname in alphabetical Order of Surnames.	Place of Abode or Residence.	Annual Value of Freehold, or Amount rated, yearly Value.	Nature of Qualification, whether Lands, or House, or Houses, &c., Rated Occupier or Freeholder.	Name of the Townland, Denomination, or Place, Street, Lane, or Place in which the Property in respect of which the Juror has been rated or is qualified is situate.

"Jurors Book" of the County of , *or* County of the City of , *or* County of the Town of [*as the Case may be*] for the Year 18 .

Number in this Book.	Christian Name and Surname in alphabetical Order of Surnames.	Place of Abode or Residence.	Annual Value of Freehold, or Amount rated, yearly Value.	Lands or House, or Houses, &c. Rated Occupier or Freeholder.	Name of the Townland, Denomination, or Place, Street, Lane, or Place in which the Property in respect of which the Jurors have been rated on and qualified is situate.	Service of Juror, and Date thereof.	Certificate and Date of same when given.

(B.)

"The GENERAL LIST of SPECIAL JURORS" of the County of , *or* County of the City of , *or* County of the Town of [*as the Case may be*] for the Year .

Number in this List.	Christian Name and Surname in alphabetical Order of Surnames.	Place of Abode or Residence.	Annual Value of Freehold, or Amount rated, yearly Value.	Nature of Qualification, whether Lands, or House, or Houses, &c., Rated Occupier or Freeholder.	Name of the Townland, Denomination, or Place, Street, Lane, or Place in which the Property in respect of which the Juror has been rated is situate.

"The SPECIAL JURORS BOOK" of the County of , *or* County of the City of , *or* County of the Town of [*as the Case may be*] for the Year .

Number in this Book.	Christian Name and Surname in alphabetical Order of Surnames.	Place of Abode or Residence.	Annual Value of Freehold, or Amount rated, yearly Value.	Nature of Qualification, whether Lands, or House, or Houses, &c., Rated Occupier or Freeholder.	Name of the Townland, Denomination, or Place, Street, Lane, or Place in which the Property in respect of which the Juror has been rated is situate.

Juries (Ireland).

(No. 2.)

A

BILL

To consolidate and amend the Laws relating to Juries in Ireland.

(*Prepared and brought in by Mr. Attorney General for Ireland and Lord Naas.*)

Ordered, by The House of Commons, *to be Printed*, 14 *June* 1858.

[Bill 131.]

Under 2 *oz.*